United Nations S/2012/374

Security Council

Distr.: General
29 May 2012

Original: English

Report of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Integrated Peacebuilding Office in that country

I. Introduction

1. The present report is submitted pursuant to the request of the Security Council contained in the statement issued by its President on 26 September 2001 (S/PRST/2001/25), in which the Council requested me to keep it regularly informed of the activities of the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) and the situation in that country.

2. The report builds on my previous report (S/2011/739), dated 28 November 2011, and provides an update on developments in political, security, socioeconomic, humanitarian, human rights, child protection and gender issues and on the activities of the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA), which replaced BONUCA in January 2010.

II. Political situation

3. During the reporting period, the national authorities launched a political dialogue with political parties and civil society organizations on electoral reforms. In November 2011, they held an initial consultation with the participation of political parties from both the ruling party and the opposition, in addition to relevant civil society organizations, to introduce the proposed electoral code and national mechanism for the conduct of elections in the country.

4. During the second consultation, in January 2012, the participants discussed the Government's vision for the electoral process. This included the proposed creation of a national agency for elections to supervise the organization of elections under the overall responsibility of the Ministry of Territorial Administration and Decentralization, and a consultative committee that would observe elections. The civil society organizations expressed a preference for the establishment of a national authority for elections that would be independent of the Ministry of Territorial Administration and Decentralization and tasked with administering the entire electoral process. Similarly, political parties, including the ruling Kwa Na Kwa

Please recycle

(KNK) party, suggested that elections should be organized by a permanent independent electoral commission. The participants were unable to reach consensus.

5. On 18 January, the country's political parties, including KNK, issued a statement calling for a third consultation to harmonize views and complete the review of the proposed electoral reforms. The workshop has not yet taken place. On 1 March, the Speaker of the National Assembly announced that a bill on the electoral code had been presented for consideration. That announcement triggered protests from the Front pour l'annulation et la reprise des elections (FARE), which requested the withdrawal of the bill. After having been analysed by the Committee on the Interior, Laws and Administrative Affairs of the National Assembly, the bill was returned to the Government at the end of April. This demonstrated a level of independence of the National Assembly, its near domination by the ruling KNK party notwithstanding. My Special Representative continues to encourage the Government and all relevant stakeholders to reach consensus on the electoral reform proposals.

6. On 6 January, the criminal investigation unit, or "Service de recherche et d'investigation", arrested the leaders of four politico-military movements involved in the national disarmament, demobilization and reintegration process. Jean-Jacques Demafouth, President of the Armée populaire pour la restauration de la démocratie (APRD) and Vice-President of the Disarmament, Demobilization and Reintegration Steering Committee, Herbert Gontran Djono Ahaba, Member of Parliament and leader of the Union des forces démocratiques pour le rassemblement (UFDR), Mahamat Abrass, from the same movement and a former Member of Parliament, and Abdel Kader Kalil, also from UFDR and a member of the Disarmament, Demobilization and Reintegration Steering Committee, were all accused of conspiring against national security.

7. Both APRD and UFDR rejected the charges against the detainees, while remaining committed to the disarmament, demobilization and reintegration process. On 11 April, Mr. Demafouth and the three UFDR leaders were released on bail.

III. Support for national mediation efforts

8. BINUCA continued to support national efforts towards the peaceful resolution of conflicts between the Government and opposition parties and among the politico-military groups. More specifically, BINUCA is working to strengthen the capacity of the National Council for Mediation to manage conflicts at the national level, and to encourage dispute resolution at the local level. Its constitutional mandate to address military, political, economic and social disputes notwithstanding, the National Council is poorly resourced and ineffective. With support from BINUCA, it has begun to establish local mediation councils, a move that will strengthen the deployment of local Government officials and is already proving effective in most parts of the country.

9. The Central African Republic witnessed increased tension between the Muslim community, especially of Chadian descent, and local communities, in particular following the joint Central African/Chadian offensive against the Front populaire pour le redressement (FPR) in January 2012. BINUCA is working with the National Council to put in place appropriate early-warning and mediation mechanisms to address these problems.

IV. Security situation

10. The security situation improved in many parts of the country during the period under review. Confidence increased between UFDR and the Convention des patriotes pour la justice et la paix (CPJP) following the signature of the October 2011 ceasefire agreement. In addition, UFDR and CPJP leaders participated in a peace and reconciliation caravan, along with 25,000 people. The caravan was organized in November 2011 by the country's National Mediator, with support from BINUCA. Consequently, many internally displaced persons who had fled as a result of clashes between the two armed groups were able to return to Bria, Haute-Kotto. Furthermore, as a result of the February deployment of the tripartite Central African/Chadian/Sudanese forces in the north-east, many internally displaced persons returned to Birao, Vakaga. Lastly, the situation in the north-west improved following the beginning of the disarmament and demobilization of former APRD combatants in June 2011, and stabilized during the reporting period. The perceived improvement in the security situation is resulting in a renewed effort to support a disarmament and demobilization campaign in the north-west, and for the necessary steps to be taken to launch the process in other areas, including the north-east.

11. Although the security situation improved in many parts of the country, two foreign armed groups continue to operate in the Central African Republic: FPR and the Lord's Resistance Army (LRA). These groups pose a serious threat to the continuing stabilization efforts.

12. On 23 January, a military strike was launched by the Central African Republic and Chad against the FPR positions in the prefecture of Nana-Gribizi. The operation followed the decision taken at the fifteenth ordinary session of the Conference of Heads of State and Government of the Economic Community of Central African States, held in N'Djamena on 15 January, to help the authorities of the Central African Republic to address pressing security challenges. The operation destroyed the FPR command centre in Ouandago. Consequently, the Central African authorities announced that FPR was no longer a threat to the country, and the Chadian troops withdrew from the Central African Republic on 6 February. The military action did not completely eliminate the FPR threat, however, as the FPR leader was not captured and some elements of the armed group continued attacking Government forces and civilians in neighbouring prefectures.

13. There was also an increase in LRA attacks in the Central African Republic, beginning in the first quarter of 2012, with a spike in March. LRA remains active in Zémio, Rafaï, Obo and Bambouti. To date, 20 attacks, six deaths and 39 abductions have been reported, as compared to 24 attacks in 2011 that resulted in six fatalities and 48 abductions. As at 31 March, 20,362 LRA-induced internally displaced persons and 5,361 Congolese refugees remained displaced within the prefectures of Mbomou and Haut-Mbomou.

14. There is renewed momentum in national, regional and international efforts to counter the LRA threat, which has raised awareness of the operational needs and capacity of the Central African Armed Forces. The United States of America recently deployed 100 military advisers to the Central African Republic, the Democratic Republic of the Congo, South Sudan and Uganda to provide logistics and training support to national armies in the four affected countries that are carrying out operations against LRA.

15. BINUCA is also participating in the elaboration of a regional strategy to counter the LRA threat being developed by the United Nations Regional Office for Central Africa (UNOCA), in collaboration with LRA-affected countries, the African Union and United Nations presences in LRA-affected countries and other stakeholders, in accordance with the statement issued by the President of the Security Council on 14 November (PRST/2011/21). Lastly, the Special Envoy of the African Union for the LRA issue and my Special Representative for Central Africa and head of UNOCA visited the Central African Republic in April. They helped to enhance awareness of the resource limitations of the Central African armed forces and of the need to allocate necessary resources to deal with LRA, among many other competing priorities.

16. In response to the LRA threat, BINUCA formulated a multi-pronged strategy in line with national, regional and international efforts in this regard. In addition to its participation in the elaboration of the regional LRA strategy developed by UNOCA, BINUCA is assisting the Government in improving its communication system to increase its early-warning capacity by replicating the existing early warning system developed by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. BINUCA is also working with national and international partners to develop and implement a strategy to encourage the defection of LRA fighters and a policy for their repatriation. Furthermore, BINUCA is facilitating the development of a national disarmament, demobilization, repatriation, resettlement and reintegration strategy in the LRA-affected areas of the country, in addition to deploying two staff members to Obo as part of the Joint Intelligence and Operations Centre.

17. Lastly, during the period under review, casualties that may have resulted from the conflict between the Sudan and South Sudan were reported in the Central African Republic. On 18 April, 11 Central African soldiers were killed and 7 wounded when a contingent of the tripartite Central African/Chadian/Sudanese force was attacked at its base by Sudanese rebels. The base is located at Am Dafock, one half of which is in the Central African Republic and the other in the Sudan.

V. Disarmament, demobilization and reintegration

18. The disarmament, demobilization and reintegration exercise in the north-west and central-north regions was suspended in September 2011 after approximately 4,800 APRD combatants had been disarmed. More than 90 per cent of those demobilized ex-combatants have returned to their communities of origin and are awaiting reintegration opportunities, while the remainder have resettled in urban areas. The United Nations, in liaison with local authorities, continues to maintain contact with the demobilized fighters, including by maintaining a comprehensive database containing, among other things, their geographical location.

19. This disarmament, demobilization and reintegration exercise has led to raised expectations in relation to other politico-military groups. Indeed, all Central African armed groups, including CPJP, which has yet to sign the 2008 Libreville Comprehensive Peace Agreement, have officially ceased all hostilities and await the disarmament, demobilization and reintegration process.

20. To maintain the current momentum for disarmament, demobilization and reintegration, the Central African authorities contributed $404,000 to facilitate the

immediate resumption of the disarmament and demobilization operations. These operations resumed on 7 May for the remaining caseload of approximately 1,800 APRD, Union des forces de la résistance (UFR) and Front démocratique du peuple centrafricain (FDPC) combatants in the north-west and central-north areas of the country. This phase of the national disarmament, demobilization and reintegration process was completed on 18 May for APDR and UFR.

21. Meanwhile, the follow-up committee for the peace accord signed on 8 October 2011 between CPJP and UFDR remained in existence during the reporting period. Verification missions were deployed to Bria and Ndelé from 18 to 25 April, with the substantive and logistical support of BINUCA, to monitor compliance with the ceasefire agreement.

22. In April, the Central African Republic received $2.39 million from the Immediate Response Facility of the Peacebuilding Fund to implement the initial phase of the reinsertion and reintegration programme for demobilized ex-combatants in the north-west and north-central areas of the country. The project will be implemented with the technical assistance of BINUCA and the United Nations Development Programme (UNDP) and in close partnership with the World Bank, which will provide three experts to assist with the process. The World Food Programme (WFP) will also provide food rations to ex-combatants and communities. The official launch of the reinsertion phase is scheduled to take place before the end of June. The reinsertion programme will help to promote social cohesion and facilitate economic development for both ex-combatants and communities.

23. In anticipation of the launch of the disarmament, demobilization and reintegration process in the north-east, combatants are now voluntarily disarming. For example, on 14 March, 33 CPJP fighters left their group and presented themselves to the civilian and military authorities in Bria for voluntary disarmament. During the same period, some 30 FDPC combatants contacted the commanding officer of the army contingent in Kabo, Nana-Gribizi, requesting assistance to return to civilian life. Owing to lack of funds and the onset of the rainy season, however, the prospects of launching the disarmament, demobilization and reintegration process in this region are currently extremely slim.

24. Unfortunately, the disarmament, demobilization and reintegration programme continues to face a lack of funds. The Government has to date spent $9 million on this programme, including for the establishment of a ministry of disarmament, demobilization and reintegration, in addition to the payment of stipends to the politico-military groups that signed the 2008 Libreville Comprehensive Peace Agreement. The total funding required to complete the disarmament, demobilization and reintegration programme throughout the entire country is $19,665,916, including $2,683,246 for disarmament and demobilization operations and $17,982,670 for reinsertion and reintegration.

25. On 5 April, the Government convened, with the assistance of the United Nations, a meeting of friends of the Central African Republic in New York to provide an overview of the disarmament, demobilization and reintegration process and seek financial support from its partners. The meeting afforded an opportunity for the Prime Minister, Faustin Archange Touadéra, and the ministers for defence and disarmament, demobilization and reintegration to highlight the security challenges facing the Central African Republic, the efforts made by its authorities to

consolidate peace and the commitment of all the politico-military groups to disarmament, demobilization and reintegration, and to plead for urgent support to complete the process. The Government of Australia pledged $200,000 for the disarmament, demobilization and reintegration process during the meeting.

VI. Security sector reform

26. In February, the national Security Sector Reform Steering Committee chaired by the Minister for Defence approved a revised road map for the elaboration of a national security sector reform strategy. The road map, developed with technical support from BINUCA, envisages the elaboration of six subsectoral strategies that will be consolidated into a three-year national security sector reform strategy. These six subsectors are based on the vision of the security sector articulated by the Central African authorities during the April 2008 national security sector reform seminar and focus on the following themes: the armed forces and the gendarmerie; the police; the justice sector; decentralization and environmental protection; public finance and Customs; and democratic control of the security sector. The subsectoral strategy on democratic control, which was completed by the Government with support from BINUCA in January 2011, will be reviewed and updated.

27. Since February, BINUCA, with the support of the Department of Peacekeeping Operations and the United Nations Office to the African Union, has made progress in supporting the Government in the development of the security sector reform subsectoral strategies. Experts from the Security Sector Reform Unit of the Department of Peacekeeping Operations and the United Nations Office to the African Union security sector reform capacity co-deployed to Bangui to assist with the development of the substrategy on the police, which will be finalized soon, and the creation of linkages with other partners, including the African Union. BINUCA and the Department of Peacekeeping Operations are also leveraging technical support and funding from Member States to deploy additional expertise to support the development of the overall strategy. For example, with the support of the Government of France, BINUCA is currently facilitating the development of the subsectoral strategy on the armed forces and the gendarmerie. This national security sector reform strategy, which is essential for the legitimacy, sustainability and reinvigoration of national ownership of the security sector reform process in the Central African Republic, may also be a useful tool with which to re-engage international partners in this vital area.

28. In addition to supporting this important strategy, BINUCA provided operational support for the implementation of key security sector reform activities. In this regard, as part of its security sector reform awareness-raising strategy, BINUCA conducted a three-day workshop giving an introduction to security sector reform at the School for Senior Police Officers, at the request of the Minister for Public Security. BINUCA also provided technical assistance in national security sector reform efforts, such as advice on the development of a new statute on the municipal police; support for public outreach on the roles and responsibilities of the municipal police; and training on sexual and gender-based violence and community policing. BINUCA also provided computers to the computer centre of the National Police School, which was inaugurated in November 2011, and technical advice on the national police training curricula.

VII. Socioeconomic situation

29. The second poverty reduction strategy paper was finalized but not formally launched, and national authorities are facing severe funding shortfalls for its implementation. Moreover, the country's economic performance remained below expectations, with a gross domestic product growth rate of 3.1 per cent, compared with 3.3 per cent in 2011. The Government experienced continued budget difficulties, partly owing to slow progress in its discussions with the International Monetary Fund on the correction of slippages in expenditure from previous years, which delayed the disbursement of budgetary support by many international partners.

30. At the beginning of 2012, the Central African authorities enforced the Fund's recommendation and now automatically adjust the prices of petroleum products every month, in order to reflect price increases on the international market and preserve national financial resources. Social tensions arose because of the negative impact of that measure on the prices of basic commodities, including food. Inflation rose from 1.3 per cent in 2011 to 1.4 per cent in January and to 1.6 per cent in February 2012.

31. The human development index increased to 0.343 in 2011, even though the Central African Republic fell two places in the ranking. The country remains among the last eight nations in that ranking, which reflects the deterioration of the main social indicators, except that of education. The country's health system is extremely weak in all its components (management of health-care benefits, funding, human resources, drugs, vaccines, technologies and health information). This weakness is all the more serious since the level of both external and internal funding is insufficient to cover the minimum primary health-care needs. None of the health-related Millennium Development Goals (4, 5 and 6) can be achieved by 2015. It is urgent that national authorities and the international community join forces and take action to resolve this complex health crisis. Of specific concern are the maternal and infant mortality indicators, which are deteriorating dramatically.

VIII. Humanitarian situation

32. In January, the Office for the Coordination of Humanitarian Affairs released a consolidated appeal, requesting $134 million for 1.9 million people in need of assistance. To date, it has received only 26 per cent of the funding required.

33. The Office of the United Nations High Commissioner for Refugees (UNHCR) issued 30,633 birth certificates and 5,607 national identification cards to internally displaced persons and other war-affected people during the period under review. This support will continue, targeting mainly those most discriminated against and those at risk of being stateless. UNHCR is also working with the Government for the application of the cessation clauses of Angolan, Burundian, Liberian and Rwandan refugees. The Central African authorities have agreed to provide alternative status to those who decide to remain in the country, issuing them with a residence permit and/or granting them Central African nationality.

34. Following the restoration of stability in the prefectures of Nana-Mambéré and Ouham-Pendé, UNHCR registered spontaneous returns of refugees who had sought shelter in Cameroon (2,075 individuals, or 566 households) and Chad (6,292

individuals, or 1,220 households). The returnees were provided with seeds by the Food and Agriculture Organization of the United Nations (FAO) and food items by WFP. Furthermore, UNHCR is working on a tripartite agreement to repatriate refugees from the Democratic Republic of the Congo who are established in the prefecture of Lobaye. It should be noted that the main challenge impeding the return of refugees and internally displaced persons is the lack of appropriate education and health facilities.

35. The United Nations Children's Fund (UNICEF) provided non-food item supplies to 29,000 internally displaced persons to respond to the food crisis in the north, and enabled 158,656 children (70,441 girls and 88,215 boys) to return to school in the conflict-affected regions of the north and the north-east. For its part, WFP provided relief to 14,000 refugees (from the Democratic Republic of the Congo and the Sudan) and 59,000 internally displaced persons, including victims of conflict in Haute-Kotto, Nana-Gribizi and Ouham-Pendé. Through its emergency school-feeding programme, WFP provided meals to 136,000 primary schoolchildren. Furthermore, it ensured appropriate supplementary feeding for 8,000 malnourished children under 5 years of age, 3,300 pregnant and nursing mothers and 15,000 people living in food-insecure households affected by HIV/AIDS.

36. WFP also continues to operate the United Nations Humanitarian Air Service, which enables rapid and secure access for humanitarian agencies to areas that are inaccessible owing to insecurity and poor infrastructure. In this regard, the Air Service flew an average of 103 hours per month, transporting a monthly average of 588 passengers and 8 tons of non-food items.

37. With regard to the health sector, UNICEF, the World Health Organization (WHO), Médecins Sans Frontières and Action against Hunger/ACF International, supporting Government partners and communities, organized a coordinated, rapid and effective response to contain the country's first cholera outbreak in 15 years. The intervention ensured that case-fatality rates were controlled following the initial weeks of the outbreak, and prevented a spread to the densely populated capital city of Bangui. In the conflict-affected areas of the north and the north-east, a UNICEF water, sanitation and hygiene programme provided potable water to 106,000 people, meaning that more than 23,000 internally displaced persons now enjoy access to improved sanitation and washing facilities.

38. Lastly, WHO and UNICEF, in partnership with non-governmental organizations, supported the Central African authorities in organizing three national immunization campaigns against polio in coordination with other countries in Central and West Africa, following the outbreak of the disease in October and November 2011. A total of 800,000 children under the age of 59 months were immunized. Furthermore, during the second week of the African vaccination programme, 62,000 pregnant women and 54,400 children under the age of 11 months were vaccinated.

IX. Operational activities in support of recovery and development

39. During the reporting period, WFP assisted 20,000 people involved in agricultural activities and community rehabilitation projects by providing food aid to protect seed stocks (known as seed protection rations) and through a food-for-

assets project. That support aimed at restoring and improving people's livelihoods in areas recovering from conflict.

40. In late 2011, the Central African authorities began implementing, with technical and financial support from UNDP and FAO, a framework to accelerate the attainment of Millennium Development Goal 1 (c), which aims at reducing by half the percentage of the population suffering from food insecurity. In addition, the process to formulate a national pro-poor growth strategy in agriculture, mines and forests began to lay the foundations for addressing the main national priority of reducing poverty by 2015. Specific attention will be paid to further extending microfinance services to the most vulnerable, following the encouraging results achieved in 2011, when 54,000 people, including 17,000 women, were able to gain access to financial services through financial and technical support provided by UNDP and the United Nations Capital Development Fund. UNDP also continued to provide technical assistance to the national authorities and civil society to implement the first measures taken in respect of climate change and sustainable management of natural resources by the Central African Republic in 2011, when the legal instruments to enforce the Environmental Code were promulgated and the national strategy for reducing greenhouse-gas emissions was approved.

41. UNDP continued to support the Central African authorities in the decentralization process. To strengthen their internal capacity to successfully pilot this process, UNDP, in partnership with the United Nations Capital Development Fund, supported the Ministry of Territorial Administration and Decentralization in organizing, from 12 to 14 March 2012, a training session that offered basic tools, knowledge resources and South-South exchange of experiences to increase the effectiveness of staff in fulfilling their missions.

X. Human rights and rule of law

42. During the reporting period, BINUCA noted a surge in reports of human rights violations, including summary executions, torture and arbitrary arrests and detentions perpetrated by Central African security and defence forces, particularly the presidential guards, against the civilian population in legal and sometimes illegal detention cells, in a general culture of custody, detention and imprisonment without trial. BINUCA and the Office of the United Nations High Commissioner for Human Rights have also been particularly concerned about the non-observance of the basic rights of presumed innocence. The prolongation of preventive detention, refusal to grant access to persons arrested and non-compliance with the legal provisions on the duration of custody also remain major challenges in the country. These irregularities weaken and discredit the judicial system, and undermine the Government's credibility in terms of strengthening the rule of law. BINUCA has constantly pressed these concerns with the national authorities, including the Minister for Justice and the High Commissioner for Human Rights and Good Governance, but much remains to be done to observe due process in detention and to prevent illegal arrests and detention. BINUCA thus continued its efforts aimed at coordinating international support for the Government; enhancing exchange of information; identifying gaps, constraints and challenges; and recommending a more coherent and strategic approach to rule of law programming at the national level.

43. BINUCA received several reports of other frequent abuses, including harassment and extortion of the population in areas controlled or dominated by armed groups, such as the prefectures of Haute-Kotto, Kémo, Ouaka, Ouham and Nana-Gribizi. In response to this situation, the population has organized self-defence groups, inadvertently creating problems of human rights abuses. It should be noted that the deployment of self-defence groups by communities in the Central African Republic is common throughout the country and may present new challenges in terms of disarmament and demobilization.

44. Following the joint Central African/Chadian military operation against FPR in January, BINUCA dispatched two human rights teams to the Nana-Gribizi and Bamingui-Bangoran prefectures to assess the situation in those areas. Preliminary analysis of the information gathered revealed both civilian and military casualties; the complete destruction of seven villages, creating a serious humanitarian crisis; the existence of 22,000 internally displaced persons (18,000 have since returned to their communities); harassment of and discrimination against the Muslim population; illegal arrests; torture; and sexual violence, including rape. The final report capturing these preliminary findings, including recommendations, has been shared with the parties.

45. BINUCA also maintained its technical cooperation and capacity-building activities in human rights and rule of law through awareness-raising campaigns, training and assistance with norm-setting. In addition, it supported the United Nations Population Fund in training 34 officers from armed forces in gender-based violence and protection. BINUCA, working in collaboration with the UNDP project for the reinforcement of the legally constituted State, the Danish Refugee Council and the International Criminal Court, contributed to the training of 30 participants from national civil society organizations in court monitoring techniques. The training strengthened their capacity to assess and observe whether the rights of the accused were respected during trials.

46. On the rule of law, the newly built district court of Paoua was handed over to the Ministry of Justice on 24 March. The focus during the reporting period has, however, been on norm-setting, so as to enhance the effectiveness of the Central African criminal justice system, as prioritized in the second poverty reduction strategy paper. Efforts are being made, in collaboration with the Ministry of Justice and other partners, to enhance the efficiency of the criminal justice system by improving cooperation between the police and the judiciary during arrests and detention, and to limit delays in the administration of justice. In this respect, UNDP has handed over a stock of communication equipment to the Ministry of Security to help improve coordination and communication between central and decentralized services.

47. With regard to the management of prison facilities, food allocation to prisons in the countryside was cancelled at the beginning of 2012 owing to the dire financial situation of the justice administration system. To mitigate the negative impact of this decision on the condition of the prisoners, UNDP provided grain and cassava mills, brick-moulding equipment and agricultural tools to the women's prison in Bimbo and to the prisons in Sibut, Bossangoa and Dekoa, so as to enhance their autonomy and consequently improve the prisoners' basic living conditions. In March 2012, UNDP handed over a cellular van to the Ministry of Justice to enable the transportation of prisoners in more decent conditions.

48. In April, national legislation on the management of the prison system was promulgated by the National Assembly and immediately entered into force, paving the way for the transfer of prison administration and security from military jurisdiction to that of the Ministry of Justice. BINUCA is now contributing to the development of a series of policies and procedures, including standard operating procedures, which conform to applicable international human rights standards.

XI. Child protection

49. The National Assembly ratified the two optional protocols to the Convention on the Rights of the Child in December 2011. This constitutes a significant step towards the fulfilment of children's rights. UNICEF and BINUCA began advocating the implementation of the protocols and the adoption of national legislation criminalizing the use of children by armed forces and groups in the country.

50. The signature in 2011 of action plans to end the recruitment and use of children by APRD and CPJP and the reaffirmation of an existing action plan with UFDR notwithstanding, the presence and recruitment of an unknown number of girls and boys continued to be observed among local armed groups, foreign armed groups and self-defence groups. Other grave violations against children were documented during the reporting period.

51. The country task force on the monitoring and reporting mechanism on children and armed conflict had regular contact with the leadership and focal points of CPJP and UFDR to prepare for the implementation of the action plans and the process of releasing children from their ranks. A mapping exercise of the sites where the armed groups are holding children has been conducted, and a list of 106 children established. Initial difficulties notwithstanding, the country task force entered into contact with the APRD military leadership for the designation of two focal points and to establish a committee to oversee the implementation of the action plan. UNICEF and its implementing partners, Cooperazione Internazionale, the Danish Refugee Council and the International Medical Corps, began preparations to provide reintegration assistance to children separated from these armed groups.

52. Joint verification missions were conducted by the country task force in March to Bria, Haute-Kotto, and in April to Ndele, Bamingui-Bangoran, to verify the presence of children within armed groups, to begin negotiations with the commanders of those armed groups so as to list the children associated with them and to initiate discussions with those communities where returning children would be reintegrated.

53. Some 500 children associated with self-defence groups in the prefecture of Ouham-Pendé were reintegrated with the support of UNICEF and the Danish Refugee Council. The children benefited from psychosocial assistance, life-skills training, professional activities and education. Before reintegration, awareness-raising campaigns were carried out at the community level to promote respect for child rights and to ensure that the children were accepted back into the communities. Psychological and psychosocial support for a further 1,340 vulnerable children, including children who had escaped or been rescued from LRA, was provided by implementing partners in LRA-affected areas.

54. Following the entry into force of the Penal Code in January 2011, 90 juvenile justice actors were trained in legal procedures for managing children in conflict situations during preliminary investigations and court proceedings, including alternative measures to detention. During the reporting period, the appropriate authorities addressed cases involving 150 children. A juvenile police brigade and three children's tribunals are now operational in the country. The participation of two trainers from security and defence groups in a regional workshop providing training for law enforcement agents on the rights of the child, held in Niamey in October and November 2011, served to strengthen buy-in for the integration of child rights curricula into standard professional training for security and defence forces.

XII. Gender

55. In December 2011, BINUCA supported a two-day forum to reflect on and identify strategies for the implementation of Security Council resolution 1325 (2000) in the Central African Republic. Representatives of BINUCA also attended a special session on sexual and gender-based violence at the fourth ordinary summit of Heads of State of the International Conference on the Great Lakes Region, held in Kampala from 11 to 16 December 2012. Furthermore, representatives of BINUCA participated in the nineteenth "Gender is my Agenda" campaign pre-summit consultative meeting on gender mainstreaming in the African Union, held in Addis Ababa on 25 and 26 January 2012. Lastly, to reinforce the mechanisms in place and integrate resources in support of the Government's efforts to implement protocols on gender mainstreaming and sexual and gender-based violence, BINUCA also facilitated the participation of women from a Central African civil society organization, Women Forum on Sexual- and Gender-Based Violence, in the meeting.

56. Following deadly clashes between CPJP and UFDR in September 2011, BINUCA, in partnership with the United Nations country team and the Gender Thematic Group undertook a joint evaluation mission to Bria, Haute-Kotto, on 6 March, to consolidate resources for initiatives in response to the needs of women, children and other vulnerable groups. In follow-up, BINUCA conducted a three-day workshop (from 22 to 25 March) for 65 women leaders and women associated with ex-combatants on social cohesion and the contribution of women in the consolidation of peace in Haute-Kotto. Given the ethnic dimension of the conflict, the workshop also provided a forum for the reconciliation of women from the two opposing groups (Goula and Runga).

XIII. Peacebuilding Fund

57. Most projects under the second tranche of funding allocated by the Peacebuilding Fund to the Central African Republic ($20 million) are on track, their slow start-up notwithstanding. Projects are being implemented by the United Nations system organizations and their national partners focusing on three pillars: security sector reform; the promotion of good governance and the rule of law; and the establishment of development hubs and the revitalization of communities after conflict. This second tranche of funding builds on the achievements of the first tranche ($10 million), granted in 2008, which provided critical support to the reintegration of children formerly associated with armed groups, enhanced access to

justice for women in conflict-affected areas and the delivery of the dividends of peace to young people, in particular.

58. In late 2011, the Peacebuilding Fund provided an additional $2.4 million through its Immediate Response Facility to enable the reinsertion of 4,800 disarmed and demobilized combatants in the north-west of the country. The project is being implemented by BINUCA and UNDP.

59. Almost four years after the launch of the initial projects, a final independent evaluation is to take place in June 2012 to assess the relevance and effectiveness of the Fund's investments in support of peacebuilding efforts in the Central African Republic. The findings of the evaluation will take the form of lessons learned and further inform efforts by the Government, the United Nations system and the international community to mobilize additional resources required to sustain peace consolidation efforts under the framework of the second poverty reduction strategy paper.

XIV. Activities of the Peacebuilding Commission

60. In November 2011, the final review of the Strategic Framework for Peacebuilding in the Central African Republic, which expired at the end of 2011, produced a set of conclusions and recommendations on the way forward in the areas of disarmament, demobilization and reintegration, security sector reform, the rule of law and good governance, in addition to the development hubs programme (PBC/5/CAF/3). The recommendations were addressed to the Government, the Peacebuilding Commission, civil society organizations and the Peacebuilding Fund Joint Steering Committee.

61. The Peacebuilding Commission is currently redefining its engagement with the Central African Republic so that it is aligned with the country's second poverty reduction strategy paper, which was developed taking into account the country's peacebuilding challenges.

62. As part of its continuing advocacy efforts, in March 2012, the Peacebuilding Commission held a meeting with the participation of the ministers of disarmament, demobilization and reintegration, defence and justice, in addition to my Special Representative, to contribute to raising the awareness of partners ahead of the 5 April meeting of the friends of the Central African Republic and to impress upon them the urgency of moving ahead and finalizing the disarmament, demobilization and reintegration process in the country.

XV. Integration and a common United Nations vision for the Central African Republic

63. BINUCA and the United Nations country team have elaborated a peace consolidation and development assistance framework for the period 2012-2016. The framework articulates the key areas in which BINUCA and the United Nations country team will focus their support to the Central African authorities in advancing the key peace consolidation and poverty reduction issues elaborated in the second poverty reduction strategy paper. As indicated in my previous report, the framework is accompanied by a joint action plan, in addition to a monitoring and evaluation

framework that enables the periodic assessment of progress achieved in delivering on the common outcomes agreed upon by the United Nations system organizations operating in the Central African Republic. This exercise strengthened strategic integration for greater coherence of the United Nations presence in the country. To take this coherence to the programmatic level, BINUCA and the United Nations country team are now focusing attention on selected key short-term peace consolidation and development assistance activities for joint implementation, around which quick outcomes could be realized during the first year of the implementation of the framework.

XVI. Observations and recommendations

64. The Government's initiative to launch an inclusive political dialogue constitutes a major breakthrough, as the Government and opposition parties halted formal contact in late 2010. The initial consultations ended before consensus was reached on the proposed electoral reforms, however. Such a consensus is critical to ensure the smooth conduct of future elections. I therefore urge the Government, the political parties and civil society to resume discussions on electoral reforms with a renewed constructive spirit. A forum for dialogue between the authorities, political parties and civil society organizations could also become a vehicle for regular consultations on social, economic, peace and security issues. The United Nations remains available to support such regular, transparent and open contacts that would contribute to fostering confidence among all national stakeholders.

65. The arrest of the four politico-military leaders and the lapse of time between their arrest, their indictment and their eventual release on bail increased the political tension in the country. It also renewed concerns about respect for the rule of law. Nonetheless, the politico-military leaders remained committed to the disarmament, demobilization and reintegration process. The timely resolution of the legal issues affecting these leaders should help to enhance the smooth conduct of disarmament, demobilization and reintegration operations.

66. The overall security situation in the country has improved, but remains fragile. While in 2011 Government control and access by international organizations could be assured only in the south and north-west, today most of the country has become accessible. Populations have begun returning to the north-east and normal life is gradually resuming. There is increased hope that security will be restored throughout the country. The continued threat to civilian populations posed by foreign armed groups such as LRA and FPR constitutes a cause for serious concern, however.

67. I applaud the continuing fruitful collaboration between the Central African Republic, Chad and the Sudan, in addition to the regional commitment expressed by the Heads of State of the Economic Community of Central African States, which have contributed to the improved security situation. While the joint military action against the FPR positions has yielded positive results, the search for a political solution should also be pursued. I also urge international partners to provide assistance to the Central African authorities to enable them to implement a robust national response to the LRA threat and to contribute effectively to the regional efforts led by the African Union in this regard.

68. It is important to take advantage of the unprecedented window of opportunity on the security front to implement the disarmament, demobilization and reintegration programme, which has a funding shortfall of some $20 million. The meeting of friends of the Central African Republic held in New York on 5 April to assist resource mobilization efforts for the disarmament, demobilization and reintegration programme was therefore extremely timely. I thank the countries and partners that pledged assistance to the country and urge them to fulfil their promises as soon as possible. The completion of the disarmament, demobilization and reintegration process would help to consolidate the fragile peace and pave the way for sustained security. It would also alleviate the humanitarian situation of the 1.9 million people in dire need of assistance, and enable the return of durable stability and development. I congratulate the Government, AFDR and UFDR for finalizing the process of disarmament, demobilization and reintegration in the north-west of the country. I encourage the Government to continue to build on the relative peace in most parts of the country to extend its political presence in the regions and position itself to provide social and development assistance to the population living in the interior.

69. Human rights violations committed across the country by defence and security forces are of serious concern. They underscore the urgent need to reform the security sector, which is vital to sustainable peace and stability in the country. I urge the Government to take serious steps to address these issues.

70. The persistence of arbitrary arrests and illegal detention in the Central African Republic undermines the credibility of the authorities and of its judicial institutions. I therefore urge the Government to take urgent and tangible steps to address this problem. In this regard, a constructive dialogue with the special procedures of the Human Rights Council, in particular the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers, will provide greater confidence in the Government's intent.

71. I welcome the promulgation of the Principles of Penitentiary Administration Act, which should improve access to justice and legal assistance, and enable the establishment of positive working relations between the judicial bodies and the Government.

72. While I am encouraged by the ratification of the two optional protocols to the Convention on the Rights of the Child, I remain concerned about the continued commission of grave violations against children by armed groups and self-defence groups in the Central African Republic. I urge all parties to cease the violations immediately, and urge those who have signed action plans in line with Security Council resolution 1612 (2005) to implement them without delay, in collaboration with the United Nations.

73. The entire United Nations system has come together to support the consolidation of peace in the Central African Republic in a more integrated fashion. While I underscore the importance of integration in the field to articulate a common United Nations vision, it should be noted, however, that the lack of resources for the implementation of joint projects continues to be a major constraint that needs to be addressed, so as to move forward the United Nations common agenda in the country. I am particularly concerned about the slow pace of implementation of the health-related Millennium Development Goals. It is critical that the international community join forces to support the efforts of the Government.

74. The Peacebuilding Commission has worked to mobilize critical support for the consolidation of peace in the Central African Republic, led tirelessly by the outgoing Chair of the Central African Republic configuration of the Peacebuilding Commission, Jan Grauls, Permanent Representative of Belgium to the United Nations in New York.

75. I should like to express my appreciation to regional and international organizations, including the Economic Community of Central African States, the Central African Economic and Monetary Community, the African Union, the European Union and the International Organization of la Francophonie, for their contributions, and to bilateral partners for their continued support to the Central African Republic.

76. Lastly, I should like to commend the staff of BINUCA for their commitment and hard work in a difficult environment under the leadership of my Special Representative, Margaret Aderinsola Vogt, and the United Nations country team for its dedicated and diligent efforts in support of peacebuilding in the Central African Republic.

United Nations A/66/817–S/2012/375

General Assembly
Security Council

Distr.: General
30 May 2012
English
Original: Arabic

General Assembly
Sixty-sixth session
Agenda item 36
The situation in the Middle East

Security Council
Sixty-seventh year

Identical letters dated 24 May 2012 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a statistical summary of Israeli violations of Security Council resolution 1701 (2006) committed during the month of April 2012 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-sixth session of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

12-35544 (E) 040612 070612

Please recycle

Annex to the identical letters dated 24 May 2012 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Land violations

Date	*Time*	*Nature of violation*
2 April 2012	0855	An Israeli enemy patrol comprising two Merkava tanks and a bulldozer crossed the technical fence at coordinates Q:744201-N:682669. The patrol left at 0945 hours.
	1050	An Israeli enemy patrol comprising two Hummer vehicles and five men crossed the technical fence at coordinates Q:744201-N:682669. The patrol left at 1230 hours.
4 April 2012	1405	Members of an Israeli enemy patrol photographed the Hasan-2 Lebanese Army position and its surroundings.
5 April 2012	1830	Members of an Israeli enemy patrol deployed in the groves opposite Kafr Killa-Fatima Gate and directed their weapons towards Lebanese territory.
7 April 2012	1900	Two Israeli enemy soldiers directed abuse towards the men at the Fatimah Gate Lebanese Army observer position.
12 April 2012	1115	From its Zar'it barracks position, the Israeli enemy observed Lebanese territory through binoculars.
	2315	Between the Tall al-Manara and Birkat Risha positions, an Israeli enemy patrol directed two searchlights towards the Lebanese Army Bustan position for one minute.
17 April 2012	0105	An Israeli enemy patrol using a megaphone directed abuse in Arabic towards the men at the Duhayrah Lebanese Army position.
	1800 1830	The sound of medium-weapons fire was heard from the area of Summaqah inside the occupied Shab'a Farms.
18 April 2012	1115	The Israeli enemy army carried out road building works in the occupied area opposite Saddanah, on the outskirts of Kafr Shuba, between coordinates Q:753000-N:690900 and Q:753900-N:691152. The road is some 6 metres wide and 1 kilometre in length. While the work was being carried out, an Israeli enemy patrol deployed in the area and Merkava tanks were placed in position.
19 April 2012	2150	For five seconds, Israeli enemy soldiers directed a red laser beam from a position opposite the Lebanese Army Wazzani pumping station towards the guard at that station.

Date	*Time*	*Nature of violation*
21 April 2012	1045	Members of an Israeli enemy patrol directed distasteful language in Arabic towards men at the Lebanese Army Birkat al-Naqqar position.
24 April 2012	1110	As members of an Israeli enemy patrol were moving between the south Ramia and west Khallat Wardah-1 positions, they took up combat positions, aiming their weapons in the direction of Lebanese Army observers.
27 April 2012	2225	From its Zar'it barracks position, the Israeli enemy directed a searchlight towards Lebanese territory along the Tarbikha-Ramia road.

Sea violations

Date	*Time*	*Nature of violation*
3 April 2012	1950	An Israeli enemy military launch directed a searchlight towards Lebanese territorial waters in the region of buoy No. 1 for 20 seconds.
6 April 2012	2035 2100	The Israeli enemy fired four flare shells opposite buoy No. 9 and one opposite buoy No. 7.

Air violations

Date	*Time*	*Nature of violation*
2 April 2012	1045	Israeli enemy warplanes violated Lebanese airspace and circled over the South before leaving at 1050 hours.
	1055	An Israeli enemy warplane violated Lebanese airspace, circling over the South before leaving at 1215 hours.
	1105	Israeli enemy warplanes violated Lebanese airspace, circling over the South before leaving at 1110 hours.
	1155	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving over Alma al-Sha'b at 0010 hours on 3 April 2012.
	1210	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1820 hours over Rumaysh.
	1250	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1655 hours over Rumaysh.
3 April 2012	0600	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, circling over the South before leaving at 1201 hours.

Date	*Time*	*Nature of violation*
	0705	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South and the Bekaa before leaving over Rumaysh at 0010 hours on 4 April 2012.
	1035	Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1215 hours over Alma al-Sha'b.
	1055	Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over Beirut and the South before leaving at 1215 hours over Alma al-Sha'b.
	1100	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea to the west of Sidon. It circled over Beirut, Al-Arz (the Cedars) and Hirmil before leaving over Alma al-Sha'b at 0630 hours on 4 April 2012.
	1930	Israeli enemy warplanes violated Lebanese airspace, circling over the South before leaving at 1940 hours.
4 April 2012	0745	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving at 1330 hours over Naqurah.
	1000	Four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1150 hours over Alma al-Sha'b.
	1525	An Israeli enemy warplane violated Lebanese airspace, circling over the South before leaving at 1530 hours.
	1530	Two Israeli enemy warplanes violated Lebanese airspace, circling over the South before leaving at 1531 hours.
	1545	An Israeli enemy warplane violated Lebanese airspace, circling over the South before leaving at 1620 hours.
	1815	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Yarun. It circled over the South and the Western Bekaa before leaving over Alma al-Sha'b at 2030 hours.
	1910	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South, Riyaq and Baalbek before leaving over Alma al-Sha'b at 1240 hours on 5 April 2012.
5 April 2012	1210	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South and the Bekaa before leaving over Alma al-Sha'b at 2020 hours.
	1700	Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1740 hours over Naqurah.

Date	*Time*	*Nature of violation*
	2210	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the Bekaa, Hirmil and Al-Arz (the Cedars) before leaving over Yarun at 1145 hours on 6 April 2012.
6 April 2012	0945	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq, Baalbek, Al-Arz (the Cedars), Hirmil and the South before leaving at 1815 hours over Rumaysh.
7 April 2012	1830	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the Bekaa, Beirut and the South before leaving over Alma al-Sha'b at 1030 hours on 8 April 2012.
8 April 2012	0750	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1830 hours over Naqurah.
	1400	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South and the Bekaa before leaving over Naqurah at 0625 hours on 9 April 2012.
	2235	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and Beirut and its suburbs before leaving over Naqurah at 1650 hours on 9 April 2012.
9 April 2012	0655	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South and Beirut and its suburbs before leaving at 2345 hours over Naqurah.
	0710	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving at 1150 hours over Kafr Killa.
	2315	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Jubayl and Beirut before leaving over Naqurah at 0105 hours on 10 April 2012.
10 April 2012	0655	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving at 1810 hours over Naqurah.
	0935	Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1105 hours over Rumaysh.
	0940	Two Israeli enemy warplanes violated Lebanese airspace, entering over Aytarun. They circled over all regions of Lebanon before leaving at 1105 hours over Rumaysh.

Date	*Time*	*Nature of violation*
	1055	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 2235 hours over Rumaysh.
	2200	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Baalbek, Hirmil and Al-Arz (the Cedars) before leaving over Alma al-Sha'b at 0600 hours on 11 April 2012.
11 April 2012	0840	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1435 hours over Rumaysh.
	1015	An Israeli enemy warplane violated Lebanese airspace, circling over the South before leaving at 1016 hours.
	1040	An Israeli enemy warplane violated Lebanese airspace, circling over the South before leaving at 1041 hours.
	2000	An Israeli enemy warplane violated Lebanese airspace, circling over the South before leaving at 2003 hours.
	2130	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South and Beirut before leaving over Rumaysh at 1030 hours on 12 April 2012.
12 April 2012	0615	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1205 hours over Rumaysh.
	2040	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq and Baalbek before leaving hours over Kafr Killa at 1245 on 13 April 2012.
13 April 2012	0700	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South and the Bekaa before leaving at 1800 hours over Kafr Killa.
	1020	Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1140 hours over Naqurah.
	1700	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the Bekaa before leaving over Alma al-Sha'b at 0655 hours on 14 April 2012.
14 April 2012	0655	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the Bekaa before leaving at 1825 hours over Naqurah.
15 April 2012	0019	An Israeli enemy aircraft violated Lebanese airspace, circling over the South before leaving at 0156 hours.

Date	*Time*	*Nature of violation*
	0110	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the Shuf and the South before leaving at 0205 hours over Naqurah.
	0933	An Israeli enemy aircraft violated Lebanese airspace, circling over the South before leaving at 0934 hours.
16 April 2012	1100	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1830 hours over Naqurah.
	1115	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving over Naqurah at 0010 hours on 17 April 2012.
	1200	Four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1345 hours over Alma al-Sha'b.
	1500	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the South before leaving at 1940 hours over Rumaysh.
	2155	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Aytarun. It circled over the South before leaving at 2355 hours over Naqurah.
17 April 2012	0557	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, circling over the South before leaving at 1435 hours.
	0650	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and Beirut and its suburbs before leaving at 1815 hours over Naqurah.
	0705	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South and the Western Bekaa before leaving at 1125 hours over Aytarun.
	0945	Six Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Damur. They circled over all regions of Lebanon before leaving at 1035 hours over the sea off Naqurah.
	0950	Six Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Shikka. They circled over all regions of Lebanon before leaving at 1140 hours over Naqurah.
	1255	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Aytarun. It circled over the South and Beirut and its suburbs before leaving over Alma al-Sha'b at 0010 hours on 18 April 2012.

Date	*Time*	*Nature of violation*
	1305	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1620 hours over Alma al-Sha'b.
	1630	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1730 hours over Naqurah.
18 April 2012	0113	An Israeli enemy aircraft violated Lebanese airspace, circling over the South before leaving at 0121 hours.
	2135	An Israeli enemy aircraft violated Lebanese airspace, circling over the South before leaving at 2146 hours.
19 April 2012	0630	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and the Western Bekaa before leaving at 0925 hours over Kafr Killa.
20 April 2012	0600	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, circling over the South before leaving at 1554 hours.
	0700	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the South before leaving at 1610 hours over the sea to the west of Naqurah.
	2035	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the Bekaa before leaving over Rumaysh at 0700 hours on 21 April 2012.
21 April 2012	0700	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1700 hours over Naqurah.
	0705	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over Riyaq and Baalbek before leaving at 1810 hours over the sea to the west of Naqurah.
22 April 2012	0610	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and the Western Bekaa before leaving at 1840 hours over Naqurah.
	0705	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South and the Bekaa before leaving at 1200 hours over the occupied Shab'a Farms.
	0715	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea to the west of Tyre. It circled over the South before leaving at 1445 hours over Naqurah.

Date	*Time*	*Nature of violation*
	0910	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea to the west of Naqurah. It circled over the Bekaa and the South before leaving over Naqurah at 0015 hours on 23 April 2012.
	1130	Four Israeli enemy warplanes violated Lebanese airspace, entering over Alma al-Sha'b. They circled over the South and Beirut before leaving at 1310 hours over Alma al-Sha'b.
	1355	Four Israeli enemy warplanes violated Lebanese airspace, entering over the occupied Shab'a Farms. They circled over all regions of Lebanon before leaving at 1520 hours over the sea off Naqurah.
	2300	An Israeli enemy warplane violated Lebanese airspace and circled over the South before leaving at 2301 hours.
	2355	An Israeli enemy warplane violated Lebanese airspace, circling over the South before leaving at 2356 hours.
23 April 2012	0556	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, circling over the South before leaving at 1554 hours.
	0640	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1815 hours over Naqurah.
	0700	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 2010 hours over Naqurah.
	0710	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1425 hours over Naqurah.
	0810	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the Bekaa and the South before leaving at 2135 hours over Rumaysh.
	1015	Israeli enemy warplanes violated Lebanese airspace, circling over the South before leaving at 1135 hours.
24 April 2012	0605	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, circling over the South before leaving at 1117 hours.
	0655	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1515 hours over Rumaysh.
	0705	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1525 hours over Alma al-Sha'b.

Date	*Time*	*Nature of violation*
	0710	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1420 hours over Alma al-Sha'b.
	0840	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq, Baalbek, Hirmil and Al-Arz (the Cedars) before leaving at 2020 hours over Kafr Killa.
	1010	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over Riyaq, Baalbek, Hirmil and Al-Arz (the Cedars) before leaving at 1510 hours over Naqurah.
	1203	Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over Beirut and the South before leaving at 1335 hours over Rumaysh.
25 April 2012	0119	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, circling over the South before leaving at 1548 hours.
	0605	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over Riyaq, Baalbek, Beirut and its suburbs, and the South before leaving at 1830 hours over Rumaysh.
	0905	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over Beirut and the South before leaving at 2125 hours over Kafr Killa.
	1025	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the Western Bekaa and the South before leaving at 1410 hours over Kafr Killa.
26 April 2012	0555	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, circling over the South before leaving at 0818 hours.
	0735	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 0900 hours over Rumaysh.
	0745	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1800 hours over Alma al-Sha'b.
	1045	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the Bekaa and the South before leaving at 1955 hours over Alma al-Sha'b.
27 April 2012	1045	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and Beirut before leaving at 1830 hours over Alma al-Sha'b.

Date	*Time*	*Nature of violation*
	1045	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq, Baalbek, the South and Beirut before leaving at 2030 hours over Rumaysh.
28 April 2012	0010	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, circling over the South before leaving at 0336 hours.
	0800	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 2110 hours over Alma al-Sha'b.
	1000	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over Riyaq and Baalbek before leaving at 2005 hours over Alma al-Sha'b.
29 April 2012	0702	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, circling over the South before leaving at 1050 hours over Rumaysh.
	0730	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1030 hours over Alma al-Sha'b.
	0730	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 1030 hours over Alma al-Sha'b.
	0805	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 0845 hours over Alma al-Sha'b.
	1617	Israeli enemy warplanes violated Lebanese airspace, circling over the South before leaving at 1645 hours.
30 April 2012	0912	Israeli enemy warplanes violated Lebanese airspace, circling over the South before leaving at 0920 hours.
	0940	Israeli enemy warplanes violated Lebanese airspace, circling over the South before leaving at 1145 hours.
	1530	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 1810 hours over Kafr Killa.
	1845	An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the Shuf before leaving at 2330 hours over the sea off Naqurah.

United Nations S/2012/376

Security Council

Distr.: General
22 May 2012

Original: English

Report of the Secretary-General on the protection of civilians in armed conflict

I. Introduction

1. The present report, submitted pursuant to the request contained in the statement by the President of the Security Council dated 22 November 2010 (S/PRST/2010/25), is my ninth report on the protection of civilians in armed conflict.

2. In its statement, the Council expressed its deep regret that civilians accounted for the vast majority of casualties in armed conflict, including as a result of deliberate targeting, indiscriminate or disproportionate attacks and sexual and gender-based violence, as well as other acts that violate international humanitarian law and international human rights law. Eighteen months on, the abysmal state of the protection of civilians has changed little. The need to strengthen our efforts to meet the five core challenges elaborated in my reports of 2009 (S/2009/277) and 2010 (S/2010/579) remains urgent.

3. The present report provides an update on progress made in responding to the core challenges, namely, enhancing compliance by parties to conflict with international law; enhancing compliance by non-State armed groups; enhancing protection by United Nations peacekeeping and other relevant missions; improving humanitarian access; and enhancing accountability for violations. The report takes stock of encouraging developments and ongoing or emerging concerns affecting civilians in contemporary conflicts and makes further recommendations for responding to the core challenges. It should be read in conjunction with my 2009 and 2010 reports, the recommendations of which remain relevant.

II. State of the protection of civilians

4. The situation endured by civilians in many of today's conflicts continues to warrant attention and action. Despite some progress, the reality on the ground continues to be characterized by the frequent failure of parties to conflict to comply with their obligations under international humanitarian law to respect and protect civilians as well as with relevant human rights obligations.

12-32894 (E) 060612

Please recycle

A. Ongoing and emerging concerns

5. The failure to comply with the law manifests itself in many ways, including in the deliberate killing of civilians; attacks against civilian objects such as schools and health-care facilities; impeded provision of humanitarian assistance; sexual violence; forced disappearance; torture or other cruel, inhuman or degrading treatment; the recruitment and use of children; attacks against journalists and human rights activists; and a failure to hold accountable those who perpetrate or instigate violations and to provide support, justice and redress to victims. Displacement within and across borders remains a conspicuous feature of conflict. At the end of 2010, some 27.5 million people had been internally displaced as a result of conflict and violence and a further 15.4 million were refugees.[1] While the number of internally displaced persons reportedly declined slightly in 2011, to 26.4 million, their number had steadily increased over the previous 15 years.[2]

6. In Afghanistan, the United Nations Assistance Mission in Afghanistan (UNAMA) documented 3,021 civilian deaths in 2011, an increase of 8 per cent compared with 2010. Of these, anti-Government elements were reportedly responsible for 2,332 civilian deaths, an increase of 14 per cent from 2010, and pro-Government forces caused 410 civilian deaths, which accounted for 14 per cent of all conflict-related civilian deaths, a reduction of 4 per cent from 2010. Civilian deaths from aerial attacks increased in 2011, despite a decrease in the number of such attacks. More than 185,000 people were displaced by conflict in Afghanistan last year, bringing the number of internally displaced persons to approximately 500,000. This includes hundreds of families displaced in the Kunar and Nangarhar Provinces by shelling in the neighbouring Federally Administered Tribal Areas of Pakistan. Since January 2012, some 200,000 people have been displaced in Pakistan, by security operations in the Khyber Agency.

7. In the Democratic Republic of the Congo, the activities of non-State armed groups, including the Forces démocratiques de libération du Rwanda and the Lord's Resistance Army (LRA), and elements of the national security forces continue to adversely affect civilians, particularly in the Kivus and Orientale Province. While the Government has adopted a zero-tolerance policy regarding violations by its own security forces, perpetrators, including senior army and police officials, frequently go unpunished. The resumption of military operations against non-State armed groups in the east of the country has resulted in displacement and reprisals against civilians. In addition, LRA attacks on civilians in remote areas of the country and in the Central African Republic and South Sudan continue to have serious humanitarian consequences. More than 445,000 civilians are currently displaced in LRA-affected areas. I welcome the development towards a joint United Nations/African Union regional strategy to address the LRA-related threats.

8. In Somalia, attacks by Al-Shabaab continue to exact a heavy toll on civilians in Mogadishu and elsewhere. Concerns have also surfaced recently over summary executions of civilians in Beledweyne and Baidoa by militias aligned with the Transitional Federal Government. Clashes between Al-Shabaab and Transitional

[1] Office of the United Nations High Commissioner for Refugees, "Global Trends 2010" (Geneva, 2011).

[2] "Global Overview 2011: people internally displaced by conflict and violence", Internal Displacement Monitoring Centre and Norwegian Refugee Council (Geneva, 2012).

Federal Government forces and those of the African Union Mission in Somalia (AMISOM) continue to result in displacement in the southern and central regions. In February 2012, approximately 66,000 people were displaced, compared with 36,000 in January. Insecurity was the main reason for displacement, including fighting between the Transitional Federal Government/AMISOM and Al-Shabaab in the Afgooye corridor.

9. Since June 2011, heavy fighting between the Sudanese Armed Forces and the Sudan People's Liberation Movement-North in South Kordofan and Blue Nile States has driven tens of thousands of Sudanese people into Ethiopia and South Sudan. Renewed clashes in the disputed border areas between the Sudan and South Sudan are prompting more people to seek safety. Some have fled to Upper Nile State in South Sudan and to western Ethiopia. Inter-communal violence in Jonglei State in South Sudan escalated in December and January, resulting in death and injury and the displacement of thousands of people.

10. In the past 18 months, civilians in Gaza and southern Israel have been affected by intermittent clashes and three rounds of sustained fighting between Israeli forces and Palestinian armed groups. While Israeli airstrikes on Gaza are generally directed at military targets, between January 2011 and April 2012, 54 Palestinian civilians were killed in Gaza (39 per cent of all Palestinian fatalities) and another 579 were injured (88 per cent of all injuries). Palestinian militants fired rockets and mortars indiscriminately at locations in southern Israel, killing 3 Israeli civilians and injuring 28. Overall in 2011, 59 Palestinian civilians were killed and 2,059 were injured in Gaza and the West Bank, and 12 Israeli civilians were killed and 59 injured in southern Israel. In the occupied West Bank, more than 260 Palestinian homes and 475 other civilian structures have been destroyed by Israeli authorities since the beginning of 2011, resulting in the displacement of more than 1,300 people, more than half of them children.

11. In the Syrian Arab Republic, since March 2011, the excessive use of force by national security forces has reportedly claimed the lives of over 9,000 people, while thousands more have fled their homes. Extrajudicial killings have been reported, as has the widespread use of torture of civilians by security forces. Civilians have borne the brunt of the violence, as blockades and curfews have been imposed on cities such as Homs, Hama, Dar'a and Idlib. During blockades, residents have been unable to obtain water, food and medical supplies and national security forces reportedly have targeted residential water supply systems. The blockades have often made it impossible to get the injured to hospitals. The use of explosive weapons in populated areas, as in Homs and Idlib, has had profound humanitarian consequences, including in terms of damage to buildings and essential infrastructure and the ongoing threat posed by explosive remnants of war. I am also gravely concerned at bomb attacks reportedly carried out by armed opposition groups in Damascus and Idlib, which have also claimed civilian lives.

12. Women and children continue to be subject to various forms of violence. In Afghanistan, UNAMA reported an increase in the number of women and children killed in conflict-related violence in 2011 in comparison with 2010, particularly in the second half of the year. Sexual violence, including rape, remains a prominent feature of conflict, affecting not only women and girls, but also boys and men. During the past year, sexual violence has remained widespread, including in Côte d'Ivoire, the Democratic Republic of the Congo, Libya and, more recently, northern

Mali. Other grave violations continue to be committed against children, in particular their recruitment, killing and maiming, and abduction. Children are also affected by attacks on schools and hospitals.

13. Attacks against and other interference with health-care facilities and providers are of serious concern in several conflicts despite the special protection afforded by international humanitarian law to medical staff and transport, hospitals, clinics and the like. For example, the International Commission of Inquiry on Libya received numerous allegations of attacks on hospitals and ambulances, while medical personnel treating *thuwar* (so-called revolutionary fighters) were reportedly subject to being killed, arbitrarily arrested and detained.

14. The violence in the Syrian Arab Republic and last year's conflict in Libya also highlighted the dangers for journalists and other media professionals working in such situations. Six journalists were killed in Libya in March and April 2011, while at least 11 have been killed in the Syrian Arab Republic since November 2011.[3] Journalists play a crucial role by reporting on the treatment and suffering endured by civilians in situations of conflict and on violations of humanitarian law and human rights. In some situations, journalists were killed by parties to conflict, abducted, subject to arbitrary arrest and detention, subjected to forcible disappearance or harassed. Impunity for such violations remains widespread.

15. I remind the Security Council of the need, as expressed in its resolution 1738 (2006), for States and other parties to conflict to prevent attacks against journalists and to prosecute those responsible for such attacks. Since the adoption of the resolution, the Council has expressed concern about attacks against journalists in only one situation-specific resolution, concerning Afghanistan, and it did not call for any action in response. I welcome the initiatives that are being pursued in the Human Rights Council by the Government of Austria and some human rights special procedures mandate holders to ensure better protection of journalists. The Council may wish to be briefed on these initiatives with a view to developing a more proactive approach to the issue.

16. The conflict in Libya also highlighted the plight of migrant workers and their families in situations of conflict, with reports of killings, sexual violence, discrimination and arbitrary detention, affecting in particular people from sub-Saharan Africa. Despite the efforts of humanitarian organizations, many migrant workers encountered serious difficulty in leaving Libya and thousands lacked shelter or stayed in overcrowded transit centres without access to basic services. The situation in Libya was not unique. In March 2011, reports indicated that migrant workers in Côte d'Ivoire were being attacked by militiamen and security forces and expelled from parts of Abidjan and the west of the country.

17. I remain concerned by the continuing use of unmanned aerial vehicles, or drones, for targeted attacks, including in situations of armed conflict because it is unclear in those situations whether all persons targeted are combatants or are directly participating in hostilities. This raises questions about compliance with the principle of distinction. Drone attacks also reportedly have caused hundreds of civilian casualties, raising questions about compliance with the principle of proportionality. Ensuring accountability for any failure to comply with international

[3] International News Safety Institute, country profiles for Libya and the Syrian Arab Republic. Available from www.newssafety.org.

law is difficult when drone attacks are conducted outside the military chain of command and beyond effective and transparent mechanisms of civilian or military control. As more States obtain this technology, these issues will become more acute. I urge relevant Member States to be more transparent about the circumstances in which drones are used and to take all necessary precautions to ensure that attacks involving drones comply with applicable international law.

B. Security Council action

18. In the past 18 months, there have been important developments in the Security Council's actions to enhance the protection of civilians. In March 2011 the Council responded decisively to the escalating violence and use of explosive weapons in populated areas of Côte d'Ivoire. In its resolution 1975 (2011), the Council recalled its authorization for the United Nations Operation in Côte d'Ivoire (UNOCI) to use all necessary means to carry out its mandate to protect civilians, including preventing the use of heavy weapons against the civilian population.

19. Although the context was very different, the Security Council's response to the situation in Libya was also decisive. In its resolution 1970 (2011), the Council condemned violations against civilians, demanded compliance with international law, imposed a comprehensive arms embargo and targeted sanctions and referred the situation to the International Criminal Court, actions in line with recommendations in my previous two reports on the protection of civilians. The subsequent decision, in resolution 1973 (2011), to authorize all necessary measures to protect civilians prevented deaths and injuries. However, the extent to which its implementation was perceived to go beyond the protection of civilians raised concerns among some Member States that continue to colour the Council's discussions on the protection of civilians and related issues in other situations. It may also have had the unintended effect of undermining the protection of civilians agenda, including as a framework for action in future crises. In the future, in addition to complying scrupulously with international humanitarian law and human rights law, the implementation of such decisions must be limited to promoting and ensuring the protection of civilians.

20. Against the backdrop of the intervention in Libya, Brazil presented the concept of "responsibility while protecting", which provides that any military action authorized by the Security Council abide by the letter and the spirit of the resolution and be implemented in strict conformity with international humanitarian law. The concept also calls for enhanced Council procedures to monitor and assess how resolutions are interpreted and implemented. I recall the recommendation in my 2007 report on the protection of civilians that the Council systematically call for compliance with international humanitarian law by peacekeeping and other missions authorized to use force and that it request that such missions regularly provide information on actions to spare civilians from the effects of hostilities (S/2007/643). Such an approach is particularly important when force is authorized expressly for the purpose of protecting civilians.

21. I am concerned about the continuing and inaccurate conflation of the concepts of the protection of civilians and the responsibility to protect. While the two concepts share some common elements, particularly with regard to prevention and support to national authorities in discharging their responsibilities towards civilians, there are fundamental differences. First, the protection of civilians is a legal concept

based on international humanitarian, human rights and refugee law, while the responsibility to protect is a political concept, set out in the 2005 World Summit Outcome (see General Assembly resolution 60/1). Second, there are important differences in their scope. The protection of civilians relates to violations of international humanitarian and human rights law in situations of armed conflict. The responsibility to protect is limited to violations that constitute war crimes or crimes against humanity or that would be considered acts of genocide or ethnic cleansing. Crimes against humanity, genocide and ethnic cleansing may occur in situations that do not meet the threshold of armed conflict. I urge the Security Council and Member States to be mindful of these distinctions.

22. The Security Council has continued to include language relating to the protection of civilians in most of its relevant situation-specific resolutions. The Council has shown greater willingness to use targeted sanctions against those who violate international humanitarian and human rights law. Additional lists of perpetrators were made on the basis of criteria related to such violations under existing sanctions regimes, and the list established in 2011 in relation to Libya includes attacks against civilians among the criteria. Five of the Council's 12 sanctions regimes include listing criteria related to violations of international humanitarian or human rights law.

23. I welcome the continuing role of the informal Expert Group on the Protection of Civilians as a forum for briefing Security Council members on protection issues before the establishment or renewal of relevant mission mandates. I also welcome the convening of ad hoc Expert Group briefings, such as that held on Côte d'Ivoire in March 2011, and the thematic briefing on humanitarian access in February 2012. Such briefings are valuable for keeping the Council informed, and I believe that they should be encouraged. In addition to the Council's important and continuing collaboration with the Emergency Relief Coordinator, I welcome the fact that the High Commissioner for Human Rights has been invited to brief the Council on thematic issues, such as the protection of civilians, as well as on country-specific situations. I urge the Council to continue and to strengthen this and other practices, such as the Arria formula briefings, in order to ensure that it is informed more fully, in a timely manner, about the protection of civilians in all relevant contexts. In this regard, I also encourage the Security Council to systematically request information on the protection of civilians from all relevant United Nations entities.

C. Encouraging developments

24. In the past 18 months there have been a number of encouraging developments. The November 2011 decision of States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects to revisit the problem of mines other than anti-personnel mines is welcome (see CCW/CONF.IV/4/Add.1). Such mines pose a threat to the safety of civilians, impede the timely and safe provision of humanitarian assistance and hamper reconstruction and development activities.

25. Preparatory discussions have continued for the United Nations Conference on the Arms Trade Treaty, to be held in July 2012. The Conference presents a critical opportunity for Member States to address the human cost of the poorly regulated

arms trade and the widespread availability and misuse of weapons. A future treaty should include a provision that weapons not be transferred when there is a clear risk that they will be used to commit serious violations of international humanitarian and human rights law. It should also cover the full array of conventional weapons, including small arms, and ammunition.

26. Two recent landmark verdicts mark important steps forward for international justice. In April 2012, the Special Court for Sierra Leone found Charles Taylor, the former President of Liberia, guilty of aiding and abetting two non-State armed groups in the commission of war crimes and crimes against humanity during the conflict in Sierra Leone. The judgement is a significant milestone for international criminal justice, as it marked the first conviction of a former Head of State by an international criminal tribunal for planning, aiding and abetting war crimes and crimes against humanity. It sends a strong signal that Heads of State will be held accountable for their actions. Earlier, the International Criminal Court, in its first verdict, in March 2012, found Thomas Lubanga guilty of war crimes for conscripting and enlisting children under the age of 15 and using them to actively participate in hostilities in the Democratic Republic of the Congo. It highlights the need to arrest Bosco Ntaganda, a co-defendant of Lubanga, and to surrender him to the Court, along with all other individuals for whom the Court has issued arrest warrants and who remain at large.

27. In July 2011 I instituted the human rights due diligence policy on United Nations support to non-United Nations security forces. This policy incorporates the experience gained in implementing the conditionality policy developed by the United Nations Organization Mission in the Democratic Republic of the Congo in 2009 and the conclusions of an inter-agency evaluation of its implementation in 2010. The policy applies wherever any United Nations entity is contemplating or providing support to any non-United Nations security force. In accordance with the policy, such support may not be provided where there are substantial grounds for believing that there is a real risk of the receiving forces committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take corrective measures. Adherence to the human rights due diligence policy is critical for preventing such violations and thus for maintaining the legitimacy and credibility of the United Nations as a promoter and defender of human rights and ensuring compliance with the Organization's international law obligations.

28. The need for improved recording of casualties is gaining increased attention. Such recording can clarify the causes of harm to civilians as well as the actions needed to end such harm and prevent its recurrence. In this connection, I am encouraged by the commitment of the African Union Mission in Somalia (AMISOM) to establish a civilian casualty-tracking analysis and response cell. I echo the call by the Security Council in its resolution 2036 (2012) for donors and partners to support the establishment of the cell. It may be useful to review its performance, and that of a similar mechanism established by the International Security Assistance Force (ISAF) in Afghanistan, with a view to ensure their improvement and possible replication elsewhere.

29. AMISOM also endorsed a new policy on "indirect fire" intended to mitigate harm to civilians, which includes a component on voluntarily making amends for harm suffered by civilians as a result of lawful actions during combat operations. I

have welcomed the practice of making amends, as implemented by most ISAF States, and am encouraged by its adoption by AMISOM. I underline, however, that this practice does not replace the obligation to investigate serious violations of international humanitarian and human rights law and to prosecute those responsible. Nor does it relieve parties of their obligations regarding reparations. This remains an issue that requires further attention by the Security Council and Member States.

30. Efforts to improve monitoring and reporting on the protection of civilians continue, including on the development of guidance for reporting on the protection of civilians in my situation-specific reports, as requested in Security Council resolution 1894 (2009). Meanwhile, the Office for the Coordination of Humanitarian Affairs has initiated consultations with United Nations partners on developing indicators for improved monitoring and reporting on protection trends, taking into account existing monitoring and reporting mechanisms. At the same time, technology is providing civilians with the ability to report on ongoing violence in real time. The United Nations and the humanitarian community more generally are only beginning to grasp the associated opportunities, as well as the risks.

III. The five core challenges

31. The five core challenges to ensuring more effective protection for civilians remain relevant.

A. Enhancing compliance

32. As I have stressed repeatedly, international humanitarian law requires parties to conflict to spare the civilian population from the effects of hostilities. Failure to do so can result in the death and injury of civilians who are directly targeted or otherwise caught in the fighting. Such failure is frequently the precursor to displacement, which often puts civilians at risk of further violations, including sexual violence and forced recruitment; physical and mental suffering; and a potentially chronic dependency on humanitarian assistance. Sparing civilians from the effects of hostilities requires compliance by parties to conflict with international humanitarian law and, in particular, the principles of distinction and proportionality. It requires parties to take all feasible precautions both in attacking and in defending. The law is also clear that under no circumstances do violations of these rules by one party justify violations by any other party. Yet violations continue to be commonplace, with devastating consequences for civilians.

33. While all violations require our attention and action, I am concerned by attacks against and other interference with health-care services, which, as recognized in a 2011 study by the International Committee of the Red Cross (ICRC), is one of the biggest, most complex and least recognized humanitarian issues of our time.[4] Conflict disrupts health care in many different ways and when it is most needed. Hostilities prevent health-care providers, as well as the wounded and the sick, from reaching medical facilities. Health-care facilities and vehicles may be directly targeted or damaged; military or security personnel at times forcibly enter such facilities looking for enemies; and gaining control of a hospital is sometimes an

[4] ICRC, "Health care in danger: a sixteen-country study" (Geneva, 2011).

objective of non-State armed groups. The wounded and sick are attacked and medical personnel are threatened, abducted, injured or killed, or prosecuted. As a result, it is difficult or impossible to provide adequate care to those in need. Moreover, a single act of violence that damages a hospital or kills health-care personnel has consequences for many other people requiring care who then suffer further through lack of treatment.

34. ICRC highlights these issues and points to the need to build the evidence base concerning attacks against and interference with health care. I therefore welcome the recommendation of the Executive Board of the World Health Organization (WHO) that the World Health Assembly, at its meeting in May 2012, mandate WHO to collect and report data on attacks against medical facilities, providers, vehicles and patients.[5] I encourage Member States to support this recommendation. I also welcome the Security Council's decision in resolution 1998 (2011) to extend the scope of grave violations for which parties to conflict can be listed in my reports on children and armed conflict to include recurrent attacks on hospitals and schools as well as recurrent attacks or threats of attack against protected persons in relation to schools or hospitals. The Council must, however, assume a more proactive approach to preventing and responding to such incidents.

35. The ICRC study found that explosive weapons caused more deaths, injuries and damage than any other weapon in attacks on health-care facilities. I have repeatedly expressed concern about the humanitarian impact of using explosive weapons in densely populated areas. Explosive weapons include artillery shells, missile and rocket warheads, mortars, aircraft bombs, grenades and improvised explosive devices. Their common feature is that they are indiscriminate within their zones of blast and fragmentation effect, which makes their use highly problematic in populated areas.

36. In my 2010 report I called for more systematic collection of data on and analysis of this problem. I welcome the research carried out by Action on Armed Violence.[6] Using data gathered on the use of explosive weapons around the world in 2011, Action on Armed Violence found that at least 21,499 civilians had been killed or injured by such weapons and that civilians accounted for 71 per cent of all casualties. Most civilian deaths and injuries — 87 per cent — occurred in populated areas, including markets, schools, places of worship and private homes.

37. This research underlines the gravity of the problem. My Emergency Relief Coordinator highlighted the issue in Côte d'Ivoire, Libya, the Sudan and the Syrian Arab Republic and called upon parties to refrain from using explosive weapons in densely populated areas. The Council specifically authorized UNOCI to take action to prevent the use of heavy weapons against civilians in Côte d'Ivoire and called upon the Government of the Syrian Arab Republic to immediately end the use of heavy weapons in population centres (resolutions 2042 (2012) and 2043 (2012)). In October 2011, ICRC noted that owing to the significant likelihood of indiscriminate effects and despite the absence of an express legal prohibition for specific types of weapons, explosive weapons with a wide impact area should be avoided in densely

[5] See WHO Executive Board resolution EB130.R14.

[6] Action on Armed Violence, "Monitoring explosive violence: the EVMP dataset 2011" (London, 2012).

populated areas.[7] Civil society has also mobilized around the issue, establishing, in March 2011, a coalition of non-governmental organizations, the International Network on Explosive Weapons, which calls upon States and other actors to strive to avoid the harm caused by explosive weapons in populated areas; to gather and make available relevant data; to realize the rights of victims; and to develop stronger international standards.

38. In many conflicts, the use of explosive weapons in populated areas is a major cause of displacement. There are other triggers: people flee in fear of violence and other violations, or are forced from their homes at gunpoint or by other means. Whatever the cause, I am concerned that displacement is accepted too readily as an inevitable consequence of conflict. In some situations, displacement can be a protective response for communities under threat, and it often lasts as long as the threat exists, after which time people return to their homes. Moreover, the right to freedom of movement and to leave one's country and seek asylum must always be respected. The acceptance of displacement as inevitable, however, risks the condemnation of millions of people to lasting misery and degradation. Short of preventing conflict, more must be done to prevent the circumstances that lead to displacement.

39. First, we must strongly advocate for respect for applicable international law. Fewer civilians would flee if parties to conflict spared them from the effects of hostilities and complied with the principles of distinction and proportionality, as required by international humanitarian law. Second, parties to conflict must refrain from the use of forced displacement as a deliberate tactic. As stipulated by international humanitarian law, displacement may be resorted to only in situations where the security of the civilian population or imperative military reasons so demand. Even then, the law stipulates that displacement must last no longer than necessary and that the affected population must be provided with shelter and assistance and be transferred back to their homes as soon as hostilities in the area have ceased. This is all too frequently not the case.

40. Such failures increase the onus on the international community, including the Security Council, to seek to prevent displacement by demanding and seeking compliance with the law, including accountability for those who forcibly displace civilians. We must reject displacement as a by-product of conflict — in some circumstances it may constitute a war crime or crime against humanity and must be investigated and prosecuted as such.

B. Enhancing compliance by non-State armed groups

41. Non-State armed groups play a role — albeit not an exclusive one — in perpetrating such violations against civilians as attacking health-care services, using explosive weapons in populated areas and causing forced displacement. I have, therefore, emphasized repeatedly the need for consistent engagement with those groups to seek improved compliance with international humanitarian and human rights law and to gain safe access to those in need.

---

[7] ICRC, "International humanitarian law and the challenges of contemporary armed conflicts" (document 31IC/11/5.1.2, prepared for the 31st International Conference of the Red Cross and Red Crescent, Geneva, 2011).

42. In my previous report I referred to research that identified incentives for non-State armed groups to comply with international norms to protect civilians.[8] The authors have published a new report to help the international community address the lack of compliance by such groups.[9] Reaffirming the urgent need for greater and more systematic engagement with non-State armed groups regarding compliance, the report notes that engagement must be initiated as early as possible, must be conducted at a high level by all parties concerned and must be sustained throughout the conflict. It also emphasizes that understanding the factors that affect the level of compliance by a given group with international norms is critical if engagement is to be successful. Such factors include the need for popular support and the group's self-image and self-interest.

43. The report stresses that agreements and undertakings by non-State armed groups to respect international norms should be in writing to allow the groups to disseminate, monitor and enforce the norms within their ranks. Impartial external monitoring of the actions of the groups is critical. Acknowledgement of improved compliance is also important, as it can enhance respect for international norms.

44. The report stresses the need to be clear from the outset that engagement does not constitute political recognition. This is vital, as concerns over the political recognition and "legitimacy" that engagement is perceived to confer have prevented some States from permitting such engagement. There are nevertheless cases in which engagement of one form or another has been proactively facilitated by States. In the Philippines in 2009, both the Government and the Moro Islamic Liberation Front actively supported and cooperated with the non-governmental organization Geneva Call to facilitate a verification mission to investigate the Front's alleged breaches of the Geneva Call deed of commitment banning anti-personnel mines.[10] There are also examples of States and non-State armed groups entering into agreements to respect international humanitarian law, such as the agreement of the Philippines with the National Democratic Front and that of the Sudan with the Sudan People's Liberation Movement. In addition, the United Nations has concluded action plans to end the recruitment and use of children in armed conflict. In the Philippines, the Sudan and elsewhere, the United Nations has developed such plans with non-State armed groups with the consent of the States concerned in the context of Security Council resolution 1612 (2005).

45. The focus on recognition and legitimacy is problematic in that it detracts from the more serious issue of the consequences for civilians when engagement does not take place. While engagement will not always result in improved protection, its absence will almost certainly mean more civilian casualties in current conflicts. Moreover, not engaging and adopting an exclusively repressive approach to non-State armed groups, such as dealing with them through the lens of counter-terrorism and placing them on terrorist lists, or refusing to countenance amnesty for participation in hostilities that do not rise to the level of war crimes or serious

[8] Geneva Academy of International Humanitarian Law and Human Rights, "Armed non-State actors and international norms: towards a better protection of civilians in armed conflict" (Geneva, 2010).

[9] Ibid., *Rules of Engagement: Protecting Civilians through Dialogue with Armed Non-State Actors* (Geneva, 2011).

[10] Geneva Call, "Report of the 2009 verification mission to the Philippines to investigate allegations of anti-personnel landmine use by the Moro Islamic Liberation Front" (Geneva, 2010).

human rights violations, risks further radicalizing such groups. Such an approach offers little incentive to comply with international humanitarian law.

46. In this connection, I stress my ongoing concern about counter-terrorism legislation and other measures that criminalize the engagement of humanitarian organizations with certain non-State armed groups or that otherwise impede principled humanitarian action. The Office for the Coordination of Humanitarian Affairs and the Norwegian Refugee Council have commissioned a study on the impact of national counter-terrorism measures on humanitarian action. The study will include a review of relevant national legislation criminalizing the provision of support to and engagement with designated entities, an analysis of provisions in funding agreements limiting or imposing conditions on humanitarian activities, consideration of measures imposed by host States that preclude, limit or impose conditions on the engagement of humanitarian actors with, or support for, groups considered "terrorist", and a review of how different humanitarian actors have reacted to such measures. In addition, the impact of such measures on humanitarian operations will be assessed and ways of reducing their adverse impact on humanitarian action will be recommended.

C. Protection of civilians by United Nations peacekeeping and other missions

47. Mandating peacekeeping missions to protect civilians remains one of the most significant actions taken by the Security Council to enhance protection. Since my previous report, two new missions with a mandate to protect civilians have been established: the United Nations Mission in South Sudan (UNMISS) and the United Nations Interim Security Force for Abyei. The implementation of such mandates, including establishing effective early-warning mechanisms, ensuring the provision of adequate resources to monitor, prevent and respond to incidents and supporting the efforts of host country authorities to implement their responsibilities to protect civilians, remains challenging. In some instances, the limited degree of cooperation from host States and their capacity to act have affected the ability of missions to discharge their mandates, including those for the protection of civilians.

48. The mass rapes in Walikale in the Democratic Republic of the Congo in July and August 2010 underlined the need to better understand the threats and vulnerabilities that confront civilians. In an effort to prevent such situations in the future, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo has worked with partners to establish a set of coordination mechanisms and early-warning and response tools to prioritize protection in practice. Similarly, the response of UNMISS to inter-communal violence in 2011 and 2012 in Jonglei State illustrated that early warning depends on effective relations with local communities and that responses must be coordinated with, and be supportive of, the national authorities. Both situations underscore the challenge missions face in protecting civilians over a vast terrain with finite resources and limited mobile response capacities. Nonetheless, missions will continue to do their utmost, while also seeking to manage expectations.

49. In addition to providing physical protection, missions continue to assist in creating protective environments by supporting the establishment of effective rule of law and security institutions. Such support is essential. As the United Nations

Independent Expert on the situation of human rights in Côte d'Ivoire recently concluded, most of the recent violations in the country stemmed largely from the State's failure to prevent them because of the difficulty of reforming the security sector and re-establishing its authority throughout the country. Providing such support can be challenging when elements of the national security forces are implicated in violations. The human rights due diligence policy sets the parameters for United Nations support in such situations.

50. The Department of Peacekeeping Operations and the Department of Field Support are continuing their work to ensure that peacekeepers have the operational support necessary to protect civilians. Following the development in 2010 of the operational concept on the protection of civilians in United Nations peacekeeping operations and the framework for drafting comprehensive protection of civilians strategies, missions in Côte d'Ivoire, the Democratic Republic of the Congo, South Sudan and Darfur are revising their protection strategies. Other relevant missions are assessing the scope for developing such strategies, in consultation with humanitarian actors. To ensure that all mission components are sufficiently prepared to protect civilians, operational guidance for military and police components is being developed. In addition, the Departments of Peacekeeping Operations, Field Support and Political Affairs and the Office of the United Nations High Commissioner for Human Rights (OHCHR) have finalized a policy on the sharing of information among mission components in order to prevent and respond to human rights violations. I look forward to the full implementation of this policy by the entities concerned.

51. The Departments of Peacekeeping Operations and Field Support have developed a protection of civilians resource and capability matrix to assist missions in applying their existing resources and capabilities to the implementation of protection mandates. The matrix helps to highlight capacity and resource gaps and provides a frame of reference for identifying possible protection activities. In addition, training modules on the protection of civilians have been finalized. Such efforts will help to ensure that future peacekeepers are better prepared.

52. United Nations peacekeeping missions are not the only protection actor on the ground. Moreover, they are not always deployed in contexts where civilians face serious risks. United Nations and other humanitarian organizations, including ICRC and various non-governmental organizations, play a long-established and critical role in seeking to enhance the protection of civilians in armed conflict, including in places that do not have a peacekeeping presence.

53. The nature and extent of interaction and coordination between United Nations peacekeeping and political missions and humanitarian actors is varied. There are positive experiences. In the Democratic Republic of the Congo and South Sudan, for example, formalized mechanisms exist for interaction with humanitarian organizations, including in relation to sharing non-confidential information on protection risks and threats affecting the population and collaboration to ensure more informed decisions regarding the prioritization of military activities. In some cases, United Nations peacekeeping missions have supported access for humanitarian actors, for example, by providing security.

54. Effective interaction and coordination with United Nations peacekeeping and political missions have sometimes been hampered by concerns on the part of humanitarian actors about the impact that close association may have on their ability

to operate in an independent, neutral and impartial manner and be perceived as doing so. The principal concern for humanitarian actors is that, particularly in conflict situations, their access and security may be undermined if they are perceived by belligerents or segments of the population as being aligned with the political objectives of missions. In Afghanistan some non-governmental organizations have withdrawn from United Nations humanitarian coordination mechanisms, and some have threatened to do so in Somalia, because of concerns that humanitarian actors lack sufficient independence from the Organization's broader political objectives.[11]

55. A recent study commissioned by the United Nations Integration Steering Group[11] found that the degree to which such concerns are substantiated in practice is context specific. Such concerns notwithstanding, it should be recognized that peacekeeping missions can provide a degree of physical protection to the civilian population that humanitarian actors cannot. They may also be able to establish the security environment needed to facilitate the provision of humanitarian assistance. In addition, protection-mandated missions and humanitarian organizations may undertake complementary protection activities, such as on child protection. Effective interaction and coordination among the different actors is essential for improving and strengthening their respective — as well as the overall — protection response. To that end, the Office for the Coordination of Humanitarian Affairs is leading a process by which the Global Protection Cluster will develop guidance for field protection clusters to ensure more effective dialogue and interaction with peacekeeping and political missions.

56. Consideration should also be given to the protection of civilians in the context of stabilization approaches adopted by individual Member States and some multilateral organizations. In recent years, stabilization has provided a framework for international interventions in fragile and conflict-affected States, including Afghanistan, Iraq, Libya, South Sudan and the Sudan. Stabilization is generally understood as both a short-term and a long-term strategy that combines multiple areas, including counter-insurgency, counter-terrorism, peacebuilding, development and state-building, with the aim of improving security and stability.[12] It is essential that military actors involved in implementing stabilization approaches respect and protect civilians in accordance with international humanitarian law and that they respect human rights law. In addition, while the protection of civilians is not always the priority or a key objective of stabilization strategies, such strategies may seek to reduce violence and instability. Dialogue and interaction between humanitarian actors and stabilization missions is important in securing positive protection outcomes, including by promoting the fulfilment of the latter's obligations to respect and protect civilians in their military operations.

---

[11] V. Metcalfe, A. Giffen and S. Elhawary, "UN integration and humanitarian space: an independent study commissioned by the UN integration steering group" (Overseas Development Institute, December 2011).

[12] See S. Collinson, S. Elhawary and R. Muggah, "States of fragility: stabilisation and its implications for humanitarian action", Humanitarian Policy Group Working Paper (Overseas Development Institute, 2010).

D. Humanitarian access

57. Access is a fundamental prerequisite for humanitarian action which is often the only means of survival for millions of vulnerable people caught in conflict. However, as illustrated in the annex to the present report, such access continues to be constrained, deliberately or otherwise, and tens of thousands of people in need of assistance and protection receive neither. The need for the Council's attention to this issue remains.

58. The annex also underlines the complex and varied nature of constraints on access. Understanding those constraints, the actors that can influence them and the options for response requires considerable analysis. It also requires a comprehensive understanding of the options that exist for reaching civilians, particularly during active hostilities.

59. There are various approaches to reaching conflict-affected persons during active hostilities, including the temporary cessation of hostilities, humanitarian pauses, humanitarian corridors, de-confliction arrangements and days of tranquillity. Those terms are sometimes used interchangeably, and yet they have specific meanings. It is essential to choose the approach that is best suited to the particular circumstances.

60. A temporary cessation of hostilities is a suspension of fighting agreed upon by all relevant parties for a specific period. It may be undertaken for various reasons, including for humanitarian purposes. In such cases, the agreement identifies the geographic area of operations and the period during which specific humanitarian activities will be carried out. A humanitarian pause is a temporary cessation of hostilities for exclusively humanitarian purposes. It requires the agreement of all relevant parties and is usually for a defined period of time and a specific geographic area in which the humanitarian activities are to be implemented.

61. Humanitarian corridors refer to specific routes and logistical methods agreed upon by all relevant parties to allow the safe passage of humanitarian goods and/or people from one point to another in an area of active fighting. Prerequisites for the establishment and operation of a humanitarian corridor include acceptance and consent by all relevant parties for impartial relief actions to be carried out, agreement by all relevant parties to respect the conditions of the corridor, clear instructions within the chain of command of each party regarding the conditions of the corridor (such as purpose, route or specified time frame for its use) and arrangements to facilitate the passage of humanitarian personnel and supplies. The "corridor" is typically a geographic route, often with a specified time frame. Humanitarian corridors have frequently proved difficult to maintain. During active fighting, in which territory may change hands or the location of conflict may shift, humanitarian corridors should be viewed as dynamic mechanisms that must be renegotiated as needed.

62. De-confliction arrangements involve the exchange of information between humanitarian actors and parties to conflict to coordinate the time and location of relief activities so as to ensure that military operations do not jeopardize the lives of humanitarian personnel, impede the passage of relief supplies or the implementation of humanitarian activities or endanger beneficiaries. Finally, days of tranquillity enable access to health-care services during conflict, for example to participate in national immunization campaigns or other exclusively humanitarian activities. Days

of tranquillity require the agreement of all relevant parties to grant access to and not interfere with the work of medical and related personnel on the designated days.

63. The different approaches cannot be imposed, militarily or otherwise, on parties to conflict. They depend on the consent of all relevant parties if they are to be relied upon to serve as safe, effective and sustainable means of gaining access to those in need.

E. Accountability

64. Fundamental to strengthening compliance is the need to bolster accountability for violations of international humanitarian and human rights law, for both parties to conflict and individual perpetrators. My previous report focused on international commissions of inquiry and fact-finding missions, which have been increasingly used to respond to such violations. International commissions of inquiry and fact-finding missions have proved useful in encouraging national authorities to take actions necessary to cease violations and provide accountability, as well as in recommending remedies for victims, including reparations and institutional reform. Their findings have laid the groundwork for prosecutions, including by providing input for Security Council decisions to refer situations to the International Criminal Court and helping to inform the Court's investigations.

65. In the past 18 months, the Human Rights Council has established commissions of inquiry in relation to Côte d'Ivoire, Libya and the Syrian Arab Republic, all of which have found that serious violations of international law had occurred, requiring independent and impartial investigations with a view to bringing the perpetrators to justice. Their respective recommendations warrant careful consideration and follow-up by Member States and the Security Council. I welcome the decision, in March 2012, of the Human Rights Council in its resolution 19/22 to extend the mandate of the Commission of Inquiry on the Syrian Arab Republic and urge the Syrian authorities to facilitate its work by allowing access to the country. I also welcome the decision of the Council, in its decision 19/2, to call upon Sri Lanka to implement the constructive recommendations contained in the report of the Lessons Learnt and Reconciliation Commission and to take all additional steps necessary to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans. I encourage Sri Lanka to cooperate with OHCHR and the Human Rights Council's special procedures in this regard.

66. In my previous report, I requested Secretariat departments directly involved in launching and supporting inquiries to undertake a review of United Nations experience in international commission of inquiry and fact-finding mission processes. In early 2012, OHCHR convened a meeting of experts from OHCHR, the Department of Political Affairs, the Office of Legal Affairs and the Executive Office of the Secretary-General to exchange experiences on such issues as the mandates and terms of reference of international commissions of inquiry and fact-finding missions, the functioning of secretariats, cooperation with Member States and United Nations agencies, the conduct of investigations, reporting and follow-up to recommendations. Further steps were identified to increase the effectiveness of the United Nations in creating and supporting those mandates, including the sharing of practical tools developed by OHCHR to assist with investigations.

67. In November 2011, the Permanent Mission of Portugal and the Office for the Coordination of Humanitarian Affairs convened a workshop on the Security Council's role in enhancing accountability. The workshop brought together representatives of Member States, the United Nations, civil society and academia and was structured around three key aspects of accountability: individual criminal responsibility, fact-finding mechanisms and reparations.

68. With regard to individual criminal responsibility, it was recommended that a checklist be prepared to guide the Council's engagement with the International Criminal Court when it considers the possibility of referrals. The checklist could include reflections on when a situation warrants referral to the Court; funding arrangements for the situations referred; exemptions in the referrals; and the Council's role in promoting Member State cooperation with the Court. With regard to the latter, it was recommended that the Council remain engaged with those situations it refers and promote the cooperation of relevant parties with the Court. It was further recommended that the Council find ways of encouraging and possibly assisting States to do more at the national level. The possible role of peacekeeping and political missions in supporting national authorities in this field should also be considered.

69. The workshop noted the need for greater consistency in the establishment and mandates of international commissions of inquiry and fact-finding missions. When commissions are established, consideration should be given to such issues as the need for clarity, ensuring that the time frame for investigations and reporting is commensurate with the complexity of the situation, the need for members of the body to have wide-ranging expertise, including in the legal, military and forensic fields, the need for adequate funding, access and the cooperation of the relevant authorities, and the need to ensure the protection of witnesses and victims. It was recommended that international commissions of inquiry and fact-finding missions be established early in a crisis to contribute to preventing further violations and that steps be taken to ensure complementarity with other national and international judicial or investigative processes. Reference was also made to the need for more consistent follow-up, including on the part of the Council, to the recommendations of those commissions and fact-finding missions in order to ensure their effectiveness and credibility and to meet the expectations of victims. The Council should be systematically apprised of the activities and reports of non-Council-mandated international commissions of inquiry and fact-finding missions that investigate situations on its agenda. The Council should, moreover, request and promote the cooperation of States and other actors with their investigations and in the implementation of their recommendations.

70. With regard to reparations, the workshop recommended that best practices and expertise in this area be collected and exchanged. Participants noted that this aspect of accountability was frequently overlooked and that reparations tended to be seen in terms of financial compensation. Other possible forms of reparations, including restitution and rehabilitation, should, however, be considered. Similarly, it is important to look beyond individual victims and also consider affected communities as recipients of reparations. In addition, consideration should be given to the potential role of the Council in authorizing the use of assets frozen under sanctions regimes for reparations payments and for supporting national reparations programmes.

IV. Conclusions and recommendations

71. The solution to many of the problems we see in contemporary conflicts is relatively straightforward: greater compliance by parties to conflict with the letter and spirit of international humanitarian law and human rights law. This would spare civilians from the injurious and deadly effects of hostilities, prevent their displacement and significantly reduce their exposure to violations, degradation and dependency.

72. Ensuring the necessary degree of compliance and thereby strengthening the protection of civilians is essentially a matter of political will: the will to conduct hostilities within the parameters of international law, to refrain from using explosive weapons in populated areas, to allow engagement with non-State armed groups and open access to those in need of assistance and to enforce discipline and hold accountable those who perpetrate violations. It also implies the will, on the part of the Council, to consistently use the tools at its disposal and to proactively consider new approaches to prevent and respond to violations of international humanitarian and human rights law.

73. With these considerations in mind, and on the basis of the present report, including the annex, I propose the following recommendations, which should be read in conjunction with those contained in my 2009 and 2010 reports, which remain relevant.

Enhancing compliance with international law

74. While all violations are of concern, in the present report attention is focused on attacks against and interference with health-care facilities and providers and the need to prevent displacement. The Security Council could be more proactive on both issues. I urge the Council:

(a) To call for the systematic collection of information on attacks against or other forms of interference with health-care facilities, transport and providers and people seeking medical treatment;

(b) To systematically condemn and call for the immediate cessation of attacks against or other forms of interference with health-care facilities, transport and providers and people seeking medical treatment, as well as acts of displacement, in violation of international law;

(c) To systematically call for strict compliance by parties to conflict with applicable international law, including the prohibition against deportation, forcible transfer or displacement of the civilian population, in whole or in part, unless the security of the civilians concerned or imperative military reasons so demand;

(d) To apply targeted measures against the leadership of parties that perpetrate attacks against or otherwise interfere with health-care facilities, transport and providers or displace civilians in violation of international law;

(e) To request the establishment of commissions of inquiry in situations involving the large-scale displacement of civilians in violation of international law and/or to refer such situations to the International Criminal Court.

75. While the use of certain explosive weapons in populated areas may, in some circumstances, fall within the confines of the law, the humanitarian impact, both short- and long-term, can be disastrous for civilians. I therefore urge:

(a) Parties to conflict to refrain from using explosive weapons with a wide-area impact in densely populated areas;

(b) The Security Council, whenever relevant, to call upon parties to conflict to refrain from using such weapons in densely populated areas;

(c) Member States, United Nations actors and international and non-governmental organizations to intensify their consideration of this issue, including through more focused discussion and by undertaking or supporting the further collection and analysis of data;

(d) Member States to cooperate with all relevant stakeholders in collecting and making available to the United Nations and other relevant actors information on harm to civilians from the use of explosive weapons and in issuing policy statements outlining the conditions under which certain explosive weapons may and may not be used in populated areas.

Enhancing compliance by non-State armed groups

76. I urge all Member States to refrain from adopting national legislation, policies or other measures that have the effect of inhibiting humanitarian actors in their efforts to engage non-State armed groups for humanitarian purposes, including to undertake activities aimed at promoting respect for international humanitarian law.

Protection of civilians by United Nations peacekeeping and other missions

77. Protecting civilians from the threat of physical violence is a joint endeavour involving the host State and the peacekeeping mission deployed to support it. I therefore urge host States to work more proactively with peacekeeping missions to protect civilians.

78. In addition, I urge:

(a) Member States that contribute military and police personnel to protection-mandated missions to utilize the Department of Peacekeeping Operations/Department of Field Support protection of civilians training modules prior to deployment;

(b) Member States to provide adequate resources to peacekeeping missions, especially air-mobility assets and early warning capabilities, in order to support more effective rapid reaction in support of the protection of civilians.

Humanitarian access

79. In seeking to respond to constraints on access, particularly in situations of active fighting, Member States are encouraged to consult closely with humanitarian actors in order to better understand the nature of the constraints and the possible options for facilitating humanitarian access in a safe and sustainable manner.

80. In addition, on the basis of the annex to the present report, I urge:

(a) Member States to ensure the timely issuance of visas for international humanitarian personnel and simplified, expedited systems for exempting humanitarian goods and workers from fees, duties and taxes;

(b) Parties to conflict not to impede humanitarian activities through physical obstacles such as checkpoints or by withholding and delaying travel permits, project authorizations and official registration papers;

(c) Member States to recognize the fundamental importance of humanitarian negotiations to obtain access to vulnerable people and to refrain from impeding or preventing such negotiations;

(d) Parties to conflict to ensure that humanitarian activities are free from political or military interference and that they can be carried out in full compliance with the principles of humanity, neutrality, impartiality and independence;

(e) Member States to consistently condemn attacks against humanitarian workers and ensure accountability for such attacks, including by encouraging, instigating and supporting investigations and prosecutions at the national level.

Accountability

81. I urge the Security Council to find ways of encouraging and possibly assisting States to ensure accountability for violations of international humanitarian and human rights law at the national level.

82. Where national authorities fail to take the steps necessary to ensure accountability, I urge the Security Council to play a more proactive role in ensuring an appropriate international response. This may include requesting or mandating the establishment of international commissions of inquiry and fact-finding missions, supporting their operation, making greater use of the information resulting from their work and supporting the implementation of their recommendations, including through follow-up action such as the establishment of reparation regimes and referral to the International Criminal Court.

83. In this connection, I encourage the Council to consider the recommendations emerging from the November 2011 workshop on accountability, convened by the Permanent Mission of Portugal and the Office for the Coordination of Humanitarian Affairs, and to begin a dialogue aimed at strengthening the Council's role in enhancing accountability, at both the national and international levels.

Annex

Constraints on humanitarian access

1. In the past 18 months, constraints on access have continued to undermine the ability of humanitarian actors to reach people in need of assistance in a safe and timely manner and, conversely, the ability of people in need to reach essential services and assistance. Access constraints are broad and varied in nature, and, while all such constraints have a significant impact on civilians, not all are deliberate and not all constitute violations of international law.

2. Significant progress has been made in our ability to analyse access constraints, especially through the use of the access monitoring and reporting framework of the Office for the Coordination of Humanitarian Affairs. The framework has improved our understanding of the nature of constraints and supported the development of concrete strategies for responding to them. It has also shown that the constraints that are most common and that have the most severe consequences for affected people are: (i) restrictions on the movement of humanitarian workers or goods; (ii) active hostilities; (iii) interference in humanitarian activities; and (iv) violence against humanitarian workers.

Restrictions on movement

3. The timely deployment of humanitarian workers, relief goods and equipment from the outset and for the duration of an emergency is crucial for an effective humanitarian response. While States are entitled to demand visas and impose restrictions on the entry and movement of relief personnel, goods and equipment, ways must be found to mitigate the impact of such measures on timely and effective humanitarian action. Restrictions continue to be placed on the movement of humanitarian personnel and goods, both into and within conflict-affected States. In the Democratic Republic of the Congo, Myanmar, Pakistan, the Sudan and the Syrian Arab Republic, humanitarian activities are significantly hampered by the denial of visas or delays in their issuance to international experts.

4. Physical and bureaucratic obstacles to movement within States also restrict humanitarian access and the delivery of assistance. For example, in the past 18 months, in the West Bank of the occupied Palestinian territories, humanitarian workers experienced delays amounting to some 2,272 work-hours at more than 550 checkpoints erected by the Israeli authorities. Humanitarian access to areas isolated in the West Bank by the Israeli barrier, including East Jerusalem, also remains restricted because of the Israeli permit coordination regime. In 2011, hundreds of checkpoints controlled by various armed groups significantly hindered the movement of humanitarian workers in and around the capital of Yemen, Sana'a. While most were removed at the end of the year, some remain in place and continue to hamper the movement of humanitarian workers and goods.

5. Bureaucratic constraints such as registration and approval procedures for humanitarian organizations or projects and travel permit regimes are delaying, or in some cases preventing, assistance from reaching affected people. In the Sudan, for example, the Government refused to issue travel permits to international staff of the United Nations and non-governmental organizations to coordinate humanitarian

activities in South Kordofan and Blue Nile States for the first seven months of the humanitarian crisis, which began in mid-2011. A handful of international staff were granted permission to return to state capitals in February 2012, but international humanitarian workers have been unable to travel beyond them to any affected areas. While some national humanitarian workers have been able to cooperate with authorities to provide assistance in Government-held areas, all requests for travel to areas under the control of non-State armed groups have been refused. As a result, some 500,000 conflict-affected people in those two states have received limited or no humanitarian assistance. Meanwhile, a proposal by the African Union, the League of Arab States and United Nations to facilitate the delivery of humanitarian assistance remains under negotiation.

6. In Darfur, state authorities cancelled dozens of humanitarian missions in the past 18 months, particularly to areas under the control of armed groups such as Jebel Marra. In Central and Northern Darfur States, the intermittent cancellation of the United Nations Humanitarian Air Service by the authorities and a lack of clarity about procedures for controlling the movement of fuel have limited travel by humanitarian personnel to deep field locations. A ban by local authorities in Southern Darfur on movements beyond a 15-km radius around Nyala has significantly restricted the provision of humanitarian services and assistance to camps for internally displaced persons in the area.

7. While there is an urgent need for States to streamline and simplify registration and approval procedures for humanitarian actors and their projects, there are some positive examples of effective cooperation. For example, in Khyber Pakhtunkhwa and the Federally Administered Tribal Areas of Pakistan, humanitarian actors have worked with the authorities to establish an online tracking system for new project registrations, called "no-objection certificates". This increases transparency and helps to identify bottlenecks in administrative processes. While there are still delays in launching projects in certain areas, I welcome this joint initiative to facilitate the implementation of humanitarian activities. I also welcome the fact that in Sri Lanka, security clearances are no longer required for movement by humanitarian actors in the Northern Province.

8. In several cases, affected people have been unable to access humanitarian assistance because of restrictions on their movement. In Colombia, conflict-affected communities in remote rural areas have intermittently lacked access to essential food items, health care, education and other basic services, sometimes for periods of several weeks, owing to roadblocks, active hostilities, incursions by armed groups and the laying of mines by such groups. In East Jerusalem, access to basic services — especially hospitals — by most Palestinians continues to require special entry permits that can be used at only 4 of the 16 checkpoints along the barrier. The old city of Hebron remains segregated from the rest of the city by 122 closure obstacles, while the movement of Palestinians by car, and in some cases on foot, remains prohibited along certain streets, severely undermining the access of thousands of Palestinians to basic services.

Active hostilities

9. Obtaining humanitarian access during active hostilities can be extremely challenging. In Afghanistan, the Central African Republic, Colombia, the

Democratic Republic of the Congo, Pakistan, Somalia, South Sudan, the Sudan, the Syrian Arab Republic and Yemen, several million conflict-affected people do not receive assistance in areas where ongoing fighting prevents sustained humanitarian activity.

10. In the absence of agreed mechanisms with the parties to conflict for the delivery of assistance, it is almost impossible for humanitarian activities to be carried out in the midst of hostilities. It is therefore incumbent on humanitarian actors to establish and maintain dialogue with all relevant parties, to explain and build acceptance of their humanitarian purpose and to negotiate acceptable terms for implementing their activities. In the Central African Republic, the Office for the Coordination of Humanitarian Affairs led negotiations that reopened humanitarian access to Bria in Haute-Kotto, which was at the centre of fighting between armed groups. In Bamingui Bangoran in the north of the country, negotiations led to an agreement by armed groups to respect humanitarian activities and prevent criminal acts. In the occupied Palestinian territories, a dedicated access coordination unit has carried out negotiations with all parties on behalf of the humanitarian country team with a view to resolving specific access problems.

11. In the Darfur region of the Sudan, negotiations with the authorities facilitated three humanitarian missions to western Jebel Marra in 2011. Following an outbreak of renewed fighting in April 2012, however, the authorities in Central and Western Darfur States have restricted access to all areas controlled by armed groups and prevented humanitarian actors from responding to new displacements in Rokoro. In the Syrian Arab Republic, humanitarian actors are discussing with the Government a scale-up of their activities following a needs assessment mission in April 2012.

12. In the past year, the humanitarian country team, with the support of the Office for the Coordination of Humanitarian Affairs, successfully negotiated access to more than 160,000 people in need of assistance in areas under the control of non-State armed groups in Yemen. This involved establishing contact and building trust between those groups and humanitarian actors through a series of meetings and workshops to introduce humanitarian principles and reach agreement on a joint inter-agency response plan. Since December 2011, regular coordination meetings have been used to resolve access constraints and problems encountered in the implementation of the plan.

13. Given the importance of those negotiations with all relevant parties, I remain extremely concerned that in some countries, for example, Colombia and Pakistan, some humanitarian organizations are forbidden to engage with armed groups for humanitarian purposes.

Interference in the implementation of humanitarian activities

14. Humanitarian activities continue to suffer from interference by State and non-State actors pursuing a non-humanitarian agenda that results in the disruption of humanitarian projects and the diversion of assistance.

15. For example, in the Democratic Republic of the Congo, Somalia and South Sudan, attempts by both local authorities and non-State groups to extort funds or appropriate assets from humanitarian actors have resulted in routine harassment, leading in some cases to the closure of offices of humanitarian organizations or the

detention of staff. Demands for payment can involve tens of thousands of dollars per agency and are often made outside of official channels. When such fees were not paid or local authorities and humanitarian actors disagreed about operational requirements, humanitarian projects have been shut down by the authorities. In the past 18 months, Al-Shabaab in Somalia expelled more than 16 humanitarian organizations from areas under its control.

Violence against humanitarian workers

16. Violence against humanitarian workers remains a major constraint on humanitarian access. While the overall level of violence experienced by humanitarian workers since the issuance of my previous report has declined slightly, the number of deaths and abductions remains a major concern. Since that time, 86 humanitarian workers have been killed and 96 abducted worldwide. The reduction in such incidents is due primarily to the reduced humanitarian presence in areas where attacks have been on the rise, as well as the adoption of more effective risk assessment and mitigation measures by humanitarian organizations.

17. Abductions, including incidents in which the victims were killed, have become the fastest-growing type of security incident affecting humanitarian workers. I am particularly concerned about the impact that abductions have had on humanitarian activities in Afghanistan, Pakistan, Somalia and the border areas with Kenya, as well as in the Sudan and Yemen. In Afghanistan, more than 220 staff members of non-governmental organizations were abducted by armed groups in 2011. While the majority were released, often within 48 hours, eight abductees were killed by their captors. In Somalia and across the border in Kenya, 6 humanitarian workers have been abducted in the past 18 months, 11 are still missing or being held by their captors (including 8 who were abducted in 2008 and 2009). In January 2011, the abduction of three United Nations Humanitarian Air Service pilots in Western Darfur led to the suspension of humanitarian flights to 26 field locations for several months. In Yemen, at least 20 humanitarian workers were abducted in six separate incidents between 2011 and April 2012.

18. Attacks on humanitarian workers and convoys and the looting of supplies and assets continue to threaten humanitarian activities in the Central African Republic, the Democratic Republic of the Congo, South Sudan, the Sudan and Yemen. State security forces, non-State armed groups and criminal groups have all been implicated in these kinds of incidents. For example, during the reporting period, in South Sudan at least 51 humanitarian vehicles were commandeered by soldiers for non-humanitarian purposes. More than half of those cases involved physical violence against humanitarian workers, especially national staff. In a single incident of looting in August 2011 in Western Bahr el Ghazal, civilians, local security forces and authorities stole approximately 675 tons of emergency food supplies intended for food-insecure communities, including families displaced from the border region of Abyei.

19. When negotiations with parties to conflict are not possible or have failed to mitigate such threats, humanitarian workers often reduce activities or withdraw from insecure locations. Following several violent looting incidents in the Kivu Provinces of the Democratic Republic of the Congo, several humanitarian organizations had to withdraw from the areas in question. Nine national staff of non-governmental

organizations have been killed in South Kivu since October 2011; five were deliberately targeted and the remaining four were caught in the crossfire between non-State armed groups and security forces.

20. An independent study commissioned by the Office for the Coordination of Humanitarian Affairs on operating in complex security environments,[a] confirmed that building acceptance for humanitarian action among communities and the parties to conflict remains the best way to gain safe and sustained access to people in need. It confirmed that building such acceptance is a process, not an event, that requires long-term investment in dialogue and sustained engagement with all relevant parties. The study calls upon humanitarian organizations to continuously re-evaluate their security and risk management approaches. For example, it observes that the "bunkerization" of humanitarian operations and the use of armed guards and escorts has conflicted with the ability of humanitarian workers to interact with local communities, thus reinforcing the misperception that humanitarian workers harbour a pro-Western agenda.

21. While acknowledging that certain situations may require increased security for humanitarian workers, the study presents a range of good practice where low-profile protection measures, including alternatives to armed guards and escorts, have proven effective. For example, in parts of Pakistan and the Sudan, some humanitarian actors have shared with the authorities information on the movement of staff and goods, allowing law enforcement agencies to monitor and ensure their safety by temporarily increasing patrols or static presence along specific routes rather than escorting them.

22. The use of air assets, including the United Nations Humanitarian Air Service, has also helped humanitarian workers avoid certain high-risk areas. While this has sometimes allowed assistance activities to continue, it comes at a significantly increased operational cost and can be difficult to negotiate with authorities. In Yemen, for example, humanitarian organizations are still waiting for permission to launch humanitarian air operations between the capital Sana'a and the northern city of Sa'dah.

23. It is imperative that States and other parties to conflict work closely with humanitarian organizations to identify appropriate, context-specific solutions and strategies to mitigate security risks in a way that allows humanitarian assistance to remain neutral, impartial and independent.

[a] J. Egeland, A. Harmer and A. Stoddard, "To stay and deliver: good practice for humanitarians in complex security environments", Office for the Coordination of Humanitarian Affairs (2011).

United Nations A/66/818–S/2012/377

General Assembly
Security Council

Distr.: General
31 May 2012

Original: English

General Assembly
Sixty-sixth session
Agenda items 35, 39, 67 and 83

Security Council
Sixty-seventh year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

The rule of law at the national and international levels

Letter dated 29 May 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement by the Ministry of Foreign Affairs of the Nagorno Karabakh Republic (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 35, 39, 67 and 83, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

12-35660 (E) 010612

Please recycle

Annex to the letter dated 29 May 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

The date of 9 May is a triple holiday for the people of Nagorno Karabakh Republic (Republic of Artsakh). On that day, the people of Artsakh, along with other nations, celebrate national unity, solidarity and freedom brought by the end of the Second World War.

Though small in numbers, the Armenians of Artsakh had a significant role in the victory over fascism. The history of the Second World War holds sacred the names of three marshals, one admiral, 24 generals, 28 heroes of the Union of Soviet Socialist Republics, seven servicemen awarded as Cavaliers of the Order of Glory and many high-ranking officers born in Artsakh.

On 9 May, the people of Artsakh also celebrate the anniversary of the liberation of Shushi.

In the eighteenth and nineteenth centuries, Shushi was shaped and developed as one of the cultural and spiritual centres for Armenians. However, in the beginning of the twentieth century, the town was destroyed and set on fire by the armed units of Azerbaijan, which in the aforementioned time had for the first time in history appeared on the world map as a state. In the late 1980s, the last Armenian families left Shushi, in order not to share the same fate as the Armenians massacred in Sumgait and other towns in Azerbaijan.

In the early 1990s, Shushi, which is located on the heights neighbouring Stepanakert, the capital of Artsakh, became a strong hold of the aggression of Azerbaijan, and particularly one of Azerbaijan's main military positions established for shelling Stepanakert.

Stepanakert became the target of 300 to 400 missiles launched daily from Shushi, which forced the population of the town to seek shelter underground, caused hundreds of casualties and deaths and left half of the town in ruins.

The attitude of Azerbaijan towards the Armenian population of Shushi and the Armenian heritage of the town is best illustrated by the fact that the centuries-old Saint Ghazanchetsots Cathedral was turned by the Azerbaijani forces into a warehouse for missiles fired at the Armenian population.

The people of Artsakh, besieged by the Azeri forces, were on the brink of extermination. At that fateful moment, after a military action undertaken by the forces of self-defence of Artsakh, on 9 May 1992 the Azerbaijani forces left the town. With the following steps, the people of Artsakh established a land corridor linking with Armenia, which became known as the "Road of Life".

The date of 9 May is also the day when the Nagorno Karabakh Republic celebrates the anniversary of the establishment of the Defence Army of Nagorno Karabakh Republic, which signifies the will of the people to defend their honour, security and freedom. For that very reason, every year on that day, the people of Artsakh urge to learn the lessons of the past and stay true to the principles of peaceful coexistence and non-violent resolution of conflicts in the world.

The concerns and complaints of Azerbaijan regarding the military parade dedicated to the Victory Day in Nagorno Karabakh Republic are preposterous:

Azerbaijan responded to the realization of the will of the people of Nagorno Karabakh to self-determination with ethnic cleansings in the territories surrounding Nagorno Karabakh and in Karabakh proper. Azerbaijan unleashed a wide-scale military aggression against the people of Artsakh, involving thousands of mercenaries closely linked to notorious international terrorist networks. As a result of the military aggression of Azerbaijan against the Nagorno Karabakh Republic, which fulfilled its right to self-determination, some territories of the Nagorno Karabakh Republic still remain under the occupation of Azerbaijan. Moreover, provocation and acts of subversion by Azerbaijan on the Azerbaijan-Karabakh line of contact are taking place almost daily.

Meanwhile, official Baku is continuously issuing belligerent statements with direct threats addressed to the people of Nagorno Karabakh, "forgetting" about the 1994 ceasefire agreement signed by the representatives of Nagorno Karabakh and Azerbaijan.

Only during the past seven years, Azerbaijan has increased its military spending 20 times, violating along the way all acceptable limits stipulated by the international armament treaties. Hence, the Azerbaijani authorities are solely responsible for the militarization of the region; their militaristic policies are threatening the stability in the region.

The extremely racist propaganda and undisguised war threats of Azerbaijan are unacceptable and the people of Artsakh are resolute in further strengthening their independent statehood based on democratic values.

The Ministry of Foreign Affairs of the Nagorno Karabakh Republic states that the Republic of Azerbaijan is responsible for turning its initially taken power-based stance towards the Nagorno Karabakh Republic issue into a military conflict and, by continuing this policy, Azerbaijan has undermined the peaceful settlement of the Azerbaijan-Karabakh conflict.

The Ministry of Foreign Affairs of the Nagorno Karabakh Republic calls upon the international community to react adequately to the behaviour of Azerbaijan, which is in blatant violation of the purposes and principles of the Charter of the United Nations and the Helsinki Final Act, in order to avert another possible adventure by Azerbaijan endangering the stability in the region.